

SEWER USE POLICY

A POLICY REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE FIRST UTILITY DISTRICT OF KNOX COUNTY IN THE STATE OF TENNESSEE.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE FIRST UTILITY DISTRICT OF KNOX COUNTY IN THE STATE OF TENNESSEE.

EFFECTIVE NOVEMBER 2019

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SEWER USE POLICY

SECTION 1—GENERAL PROVISIONS

1.0 Introduction

First Utility District of Knox County, Tennessee, (henceforth referred to as the “District”) is pleased to provide sanitary sewer collection and clean water reclamation services to customers living and working inside the District’s boundaries. The District maintains the wastewater collection system and water resource recovery facility to comply with State and Federal regulatory requirements, but most importantly to protect the health, safety, and welfare of the public and protect the environment. The District strives to protect public health and water resources to help our portion of East Tennessee remain one of the finest places to live.

1.1 Purpose and Policy

This policy sets forth uniform requirements for Customers of the Water Resource Recovery Facility (WRRF) for the District and enables compliance with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this policy are:

- A. To protect public health.
- B. To prevent the introduction of pollutants into the Water Resource Recovery Facility that will interfere with its operation;
- C. To prevent the introduction of pollutants into the Water Resource Recovery Facility that will pass through the Water Resource Recovery Facility, inadequately treated, into receiving waters, or otherwise be incompatible with the Water Resource Recovery Facility;
- D. To protect both Water Resource Recovery Facility personnel who may be affected by wastewater and/or sludge in the course of their employment and the general public;
- E. To enable the District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Water Resource Recovery Facility is subject.

This policy shall apply to all Customers of the Water Resource Recovery Facility. The policy provides for compliance and enforcement activities and establishes administrative review procedures.

1.2 Administration

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this policy. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized District employee.

1.3 Abbreviations

The following abbreviations, when used in this policy, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
WRRF – Water Resource Recovery Facility

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this policy, shall have the meanings hereinafter designated.

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. The Tennessee Division of Water Resources Director or his/her representative(s).
- C. Authorized or Duly Authorized Representative of the Customer.

(1) If the Customer is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the Customer is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the Customer is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

D. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

- F. Building sewer. A privately owned sewer conveying wastewater from the premises of a Customer to the publicly owned sewer collection system.
- G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- H. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water, usually expressed in mg/L.
- J. Control Authority. The District if the District has an approved pretreatment program, or the Approval Authority if the District does not have an approved pretreatment program.
- K. Cooling water. The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- L. Customer. Any individual, partnership, corporation, association, or group who receives sewer service from the District under either an express or implied contract requiring payment to District for such service.
- M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- N. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. Usually expressed in lbs/day.
- O. District. First Utility District of Knox County or First Utility District of Knox County's Board of Commissioners.
- P. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- Q. Existing Source. Any source of discharge that is not a "New Source."
- R. Fats, Oils, and Grease (FOG). Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

- S. General Manager. The person designated by the District to supervise the operation of the WRRF, and who is charged with certain duties and responsibilities by this policy. The term also means a Duly Authorized Representative of the General Manager.
- T. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- U. Grease interceptor. Grease Control Equipment identified as a large tank, usually 1,000 gallon to 3,000 gallon capacity, which provides fat, oil, and grease control. Grease interceptors will be located outside the building, unless a variance request has been granted. Grease interceptors shall be provided in accordance with the District's *Fats, Oils, and Grease (FOG) Management Policy*, latest version.
- V. Grease trap. Grease Control Equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. Grease traps shall be provided in accordance with the District's *Fats, Oils, and Grease (FOG) Management Policy*, latest version.
- W. Indirect Discharge or Discharge. The introduction of pollutants into the WRRF from any nondomestic source.
- X. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete sample collected, independent of the industrial flow rate and the duration of the sampling event.
- Y. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WRRF, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system or interferes with the conveyance of wastewater.
- Z. Local Limit. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- AA. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- BB. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- CC. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

DD. New Source.

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

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

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

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

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

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

(i) any placement, assembly, or installation of facilities or equipment; or

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

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

EE. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

- FF. Pass Through. A discharge which exits the WRRF into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.
- GG. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- HH. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- II. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- JJ. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the WRRF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- KK. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a Customer, other than a Pretreatment Standard.
- LL. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- MM. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this policy.
- NN. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- OO. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- PP. "Shall" is mandatory; "May" is permissive.
- QQ. Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:
- a. An Industrial User subject to categorical Pretreatment Standards; or

- b. An Industrial User that:
 - i. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the WRRF (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WRRF treatment plant; or
 - iii. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the WRRF's operation or for violating any Pretreatment Standard or Requirement.
 - c. The District shall not accept any process wastestream from an SIU or IU. Only domestic wastewater shall be permissible for discharge to the District's collection system. All process or industrial wastestreams shall be fully contained by the Customer, pumped and hauled by a licensed party, and legally disposed of at a suitably licensed facility.
- RR. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this policy. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the WRRF's regulations, Local Limits or Permit conditions.
- SS. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- TT. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering or evaporation.
- UU. User or Industrial User. A source of indirect discharge.
- VV. Wastewater. Liquid and water-carried sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WRRF.
- WW. Water Resource Recovery Facility (WRRF). A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage of a liquid nature and any conveyances, which convey wastewater to a recovery/treatment facility.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.0 Proper Waste Disposal Required

- A. 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 District service area, any human excrement or bodily wastes.
- B. It shall be unlawful to discharge to any Waters of the State within the District service area any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Policy or Local or State regulations.
- C. Discharging into the sanitary sewer without permission of the District is strictly prohibited and is deemed “theft of service” and shall be subject to enforcement action.
- D. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions herein.
- E. The owner of a manufacturing facility may discharge wastewater to the Waters of the State provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable Local, State, or Federal statutes and regulations.
- F. Customer have a duty to comply with the provisions of this ordinance in order for the District to fulfill the stated Policy and Purpose. Significant Industrial Users must comply with the provisions of this ordinance and applicable State and Federal rules according to the nature of the industrial discharge.
- G. The District may inspect the facilities of any Customer to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District, with proper identification, ready access at all reasonable times to all parts of the premises for the purpose of inspection.

2.1 Private Domestic Wastewater Disposal

- A. Availability.
 - 1. Where a public sanitary sewer is not available, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable Local and State regulations.
 - 2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at no expense to the District. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable Federal and State regulations.
 - 3. Where a public sewer becomes available, the building sewer shall be connected to said sewer if required by Local Codes and/or State Regulations.
- B. Requirements.
 - 1. The type, capacity, location and layout of a private sewerage disposal system shall comply with all Local or State regulations.
 - 2. No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the District and the County Health Department.

2.2 Connection to Public Systems

A. Application for Service.

1. There shall be two (2) classifications of service; (1) residential and (2) commercial, industrial, and other nonresidential establishments. In either case, the owner or his agent shall make application for connection on a form furnished by the District. Applications for service to non-residential establishments may be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District. Details regarding non-residential permits include but are not limited to those required by this policy. Service Connection Fees for establishing new sewer service are paid to the District. The receipt by the District of a prospective customer's application for connection shall not obligate the District to render the connection. If the service application cannot be supplied in accordance with this Policy, the District's rules and regulations, or State and Federal requirement, then the connection charge will be refunded in full with no liability of the District to the applicant for such service.
2. Customer shall notify the District of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The District may deny or limit this new introduction or change based upon the information submitted in the notification.
3. Each Customer, whether commercial or residential, shall be an individually-metered Water Customer. Customers shall not share a water meter unless specifically authorized by the District.
4. All Customers shall be District Water Customers, i.e., no "Sewer only" Customers are authorized.

B. Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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 ordinance shall be completely and permanently disconnected effective immediately. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

C. Physical connection to public sewer.

1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The District shall make connection points or taps to the public sewer available upon the property owner first submitting a connection application to the District.
The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District. A service connection fee shall be paid to the District at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The District will inspect the installation prior to backfilling and allowing connection to the public sewer.

2. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner, including service and connection fees. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
3. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. For buildings designed, built, or sold as condominiums or zero lot line structures, whether utilized as residential or commercial services, each individual residence or business unit within that structure shall have its own, independent sewer and each sewer shall be connected to the sewer main located on a right-of-way or utility easement. The sewer main shall be constructed in accordance with the rules and regulations of the District.
4. Old building sewers may be used in connection with new buildings only when they are found and tested by the District to meet all requirements of this chapter and the District's current specifications. All others shall be abandoned to the specifications of the District.
5. The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, testing, and backfilling the trench shall all conform to the requirements of the Southern Standard Plumbing Code, Local Building Codes, or other applicable rules and regulations of the District, with the District's rules and regulations taking precedence.

Building sewers shall conform to the following requirements:

- a) The minimum size and slope of a building sewer shall be as follows: 4" pipe at 2% slope, 6" pipe at 1% slope, 8" pipe at 1% slope.
- b) The minimum depth of a building sewer shall be eighteen inches (18").
- c) Building sewers shall be laid at no less than minimum grade. Sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second. Every effort shall be made to install building sewers at grades greater than the minimum to prevent deposition of solids.
- d) For lines 8" and larger, building sewers shall be constructed only of polyvinyl chloride pipe SDR-26 (ASTM D3034) or ceramic-epoxy coated (Protecto 401) ductile iron (ASTM A746 or ASTM A 377). Use of 8" lines shall require the use of manholes rather than cleanouts.
- e) For lines 6" and smaller, building sewers shall be constructed only of Schedule 40 PVC pipe with solvent weld joints (ASTM D 2665 or ASTM D 2241) or ceramic-epoxy coated (Protecto 401) ductile iron (ASTM A746 or ASTM A 377).

- f) Building sewers shall be installed in uniform alignment at uniform slopes. Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five (5) feet outside of the building, as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Long sweep 90° tee wye type cleanouts shall be installed on all building sewers immediately up stream of any bend greater than 45° (bends placed less than (2) feet apart will be considered as one bend) or at intervals of seventy-five (75) feet whichever shall be less. Only approved standard fittings shall be used. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. Sewer service lines shall have a 12 gauge THHN solid copper tracer wire attached to pipe beginning at the first cleanout outside building wall and continuing unbroken, to the tap provided by the District. Tracer wire must be exposed and accessible at cleanout nearest the building.
- g) A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.
- h) Sewer service lines shall not be installed less than five (5) feet horizontally from any water service line and the service lines shall be separated by undisturbed or compacted earth. Water and sewer service lines may cross only if the bottom of the water service line is a minimum of twelve (12) inches above the top of the sewer service line. In no case may the water and the sewer service lines be placed in the same ditch. However, the water service line and the sewer service line may be installed parallel if the water service is placed on a shelf above and to either side of the sewer service line trench. Water service line shelf shall be excavated from undisturbed earth and shall be a minimum of twelve (12) inches above the top of and a minimum of (36) inches to one side of the sewer service line.
- i) Connections of building sewers to the public sewer system shall be made by the Owner under the inspection of the District.
- j) 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 pump system according to District requirements and discharged to the building sewer at the expense of the owner.
- k) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the District

before installation. An installed building sewer shall be gastight and watertight.

- l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the Local Jurisdictional Authority.
- m) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.
- n) Inspection of connections.
 - 1. The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the District before the underground portion is covered.
 - 2. The District reserves the right to require vacuum testing of manholes, pressure testing of lines, and CCTV inspection as described in the District's Standard Specifications. The Owner shall be responsible for correction items, cleaning, or repair.
 - 3. The applicant for the building sewer permit shall notify the District at least 24 hours and not more than 72 hours in advance when the building sewer will be ready for inspection.

D. Maintenance of building sewers.

- 1. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the District to meet specifications of the District. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the District up to and including discontinuation of water and sewer service.
- 2. The District may inspect the facilities of any Customer to ascertain whether all requirements are met.
- 3. The point of division between the building sewer and District-owned sewer tap or service connection shall be at the property line, right-of-way line, property line sewer cleanout, or such point in this general area as identified by the District. District-owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of right-of-ways, easements, or that distance necessary to cross other utility lines and provide a location unencumbered by other underground utilities where the Customer can make a connection to the building sewer without risk of damage to those other utilities.

E. Public Line Determination

- 1. Multiple customers on a sewer line may cause the District to consider deem the line as Public, thus requiring compliance with Section 2.2.F Sewer Extensions.

- F. Sewer extensions. All expansion or extension of the public sewer constructed by Property Owner(s) or Developers must follow policies and procedures developed by the District. All plans and construction must follow the District's Standard Specifications, latest edition, and comply with the latest edition of Tennessee Design Criteria for Sewerage Works. Property Owners or Developers must provide the District with as-built drawings, specified testing, easement(s), and required documentation prior to use of the lines as prescribed by the District's Development Agreement. Property Owners or Developer are responsible for all maintenance and repairs during the One Year Warranty period. The District shall give written approval to the Developer to acknowledge transfer of ownership to the District. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

2.3 Low Pressure Sewer Systems

When connection of building sewers to the public sewer by gravity flow lines is not possible due to elevation differences or other encumbrances, Grinder Pump (GP) systems may be installed subject to the District's Standard Specifications.

A. Equipment requirements.

1. Grinder Pump, basin, control panel, alarms, incidental electrical components, and service lines shall be in provided, located, and installed in accordance with the District's Standard Specifications. Connection will be made to the public sewer only after inspection and approval by the District.
2. The District's standard grinder pump equipment shall be an Environment One (E-One) grinder pump station as provided and installed per the District's Standard Specifications and Requirements. Non-compliant installations may be allowed but will not be serviced or maintained by the District.
3. Non-specified equipment (i.e., not E-One equipment) may be permitted for installation but will not be serviced or maintained by the District. An Engineering Report will be required to verify the pumps will be able to connect the Customer into the collection system.

B. Costs.

1. Standard, simplex pump station GP equipment may be purchased from the District and installed at the developer's, homeowner's, or business owner's expense.
2. Non-standard GP equipment (ie, larger tanks, duplex or quadplex grinder pump stations) may be purchased from an authorized vendor and installed at the developer's, homeowner's, or business owner's expense.

C. Ownership and easements.

1. Property owner shall own the grinder pump, control panel, alarm system, and the private portion of the service line. Property owner shall pay the District (through user fee provided in the District's Rate Resolution) for operation and maintenance of the grinder pump, control panel, and tank. The property owner shall provide the District an easement for access to perform necessary maintenance or repair. Access by the District to the GP system shall be required to operate, maintain, repair, restore service, and remove sludge. Access to the tank, ports, and electrical disconnects must not be locked, obstructed, or blocked by landscaping or site construction elements.
2. Separately metered water customers, residential or commercial, shall not share a common grinder pump. Rather, each customer shall own their individual grinder pump.

D. Use of GP systems.

1. Home or business owners shall follow the GP Users Guide provided by the District, latest version.
2. Home or business owners shall provide an electrical connection that meets District specifications and shall provide electrical power.
3. Home or business owners shall be responsible for maintenance of drain lines from the building to the GP tank.
4. Prohibited uses of the GP system.
 - i. Connection of roof guttering, sump pumps, or surface drains.
 - ii. Disposal of toxic household substances, flammable materials, mechanical oil / grease.
 - iii. Discharge of hair, lint, rags, metal, plastics, diapers, sanitary wipes, glass, or home vacuum water.
 - iv. Discharge of fats, grease, and oil. Refer to the District's Fats, Oils, and Grease (FOG) Management Policy, latest version.
5. Tank cleaning. Solids removal from the basin may be provided by the District. However, pumping required more frequently than once every five years may be subject to billing to the property owner and/or termination of District maintenance activities.
6. Additional charges. The District shall be responsible for maintenance of the GP equipment. Repeat service calls for similar problems and/or gross negligence may result in 1) the District discontinuing maintenance service, and 2) billing to the homeowner or business at a rate of the actual cost of the service call including but not limited to transportation, labor, materials, excavation, subcontractors, engineering fees, cleanup expenses, and other expenses related to the service call.

2.4 Design of Sewage Works

- A. Construction of new or extensions of existing sewers and sewer pump stations within the First Utility District shall be designed in accordance with the latest issue of the TDEC's "Design Criteria for Sewerage Works," the District's Standard Specifications, and related

requirements of the District. Erosion prevention and sediment control measures shall be provided in accordance with Local, State, and Federal requirements including by not limited to TDEC Division of Water Resources' Construction General Permit, TDEC Aquatic Resource Alteration Permit, TVA 26A Permit, Department of Army Section 404 Permit, US Fish and Wildlife Services requirements, or other applicable regulatory requirements and respective permit conditions.

- B. All designs for sewer and sewer pump stations for construction within the District shall be performed by an engineer registered to practice in the State of Tennessee and approved by the District's Engineering Department or by a registered engineer to whom the Department has delegated authority to approve subject plans.
- C. Construction of new sewer systems or extensions of existing systems will be allowed only if the downstream conveyance system and sewage treatment plant is currently capable of adequately handling the new hydraulic and organic loads or there are plans to provide adequate capacity on an acceptable time schedule.
- D. The designs shall consider but not be limited to the following factors:
 - a. Peak flows
 - b. Groundwater infiltration and exfiltration
 - c. Topography, depth of excavation and slope
 - d. Treatment plant location
 - e. Soil conditions
 - f. Pump requirements
 - g. Maintenance of system, safety, manpower and budget
 - h. Existing sewer system
 - i. Service connection elevations
- E. Applicable Fees for Design Plan Review. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District's Engineering Department. An application fee at the prevailing rate shall be paid to the District at the time the application is filed, as detailed in the District's Developmental Agreement. The District reserves the right to assess fees, as required, for multiple reviews of the same design package.
- F. Construction materials, requirements for installation, testing, and documentation procedures shall be in accordance with the District's Standard Specifications, Development Agreement, and information in this Policy herein.

2.5 Prohibited Discharge Standards

A. General Prohibitions. No Customer shall introduce or cause to be introduced into the WRRF any pollutant or wastewater which causes Pass Through or Interference. No pollutant shall be discharged that causes the WRRF to be in non-compliance with sludge use or disposal criteria under any State or Federal criteria applicable to the sludge management

practices being used. These general prohibitions apply to all Customer of the WRRF whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No Customer shall introduce or cause to be introduced into the WRRF the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the WRRF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the WRRF or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the WRRF resulting in Interference, including but not limited to grease blockages;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the WRRF;
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WRRF in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the District in accordance with Section 3.4 of this policy;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the District;

(13) Medical Wastes, except as specifically authorized by the District;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(15) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the WRRF;

(16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the WRRF.

2.6 National Categorical Pretreatment Standards

The list of categorical Pretreatment Standards is found at 40 CFR Chapter I, Subchapter N, Parts 405–471. The District shall not accept wastestreams from Industrial Users.

2.7 State Pretreatment Standards

Users must comply with State of Tennessee Pretreatment Regulations codified at Tennessee Rule 0400-40-14.

2.8 Local Limits

- A. The District is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Local Limits shall be provided in a separate policy document external to the Sewer Use Policy.
- C. The District may develop Best Management Practices (BMPs), by ordinance, to implement Local Limits and the requirements of Section 2.5.

2.9 District's Right of Revision

The District reserves the right to establish, by policy, more stringent Standards or Requirements on discharges to the WRRF consistent with the purpose of this policy.

2.10 Dilution

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 a discharge limitation unless expressly authorized by an applicable Standard or Requirement.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Customer shall provide wastewater treatment as necessary to comply with this policy and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this policy within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Customer's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Customer from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this ordinance.

The District does not have a Pretreatment Program and shall not accept wastestreams from Industrial Users.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the District may require Customer to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from process wastestreams, and such other conditions as may be necessary to protect the WRRF and determine the Customer's compliance with the requirements of this policy.

B. The District may require any person discharging into the WRRF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Customer. All interceptor units shall be of a type and capacity approved by the District, shall comply with the District's Fats, Oil, and Grease Management Policy, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the District's Oil and Grease Management ordinance by the Customer at their expense.

3.3 Accidental Discharge/Slug Discharge Control Plans

The District may evaluate whether any Customer needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The District may require any Customer to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or Slug Discharge, as required by Section 6.3 of this policy; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the WRRF only at locations designated by the District, and at such times as are established by the District. Such waste shall not violate Section 2 of this policy or any other requirements established by the District. The District may require septic tank waste haulers to obtain general permits.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS – [RESERVED]

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE – [RESERVED]

SECTION 6—REPORTING REQUIREMENTS

- 6.1 Baseline Monitoring, Compliance Schedule Reporting – Reserved.

6.2 Reports of Changed Conditions

Each Customer must notify the District of any significant changes to the Customer's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

A. The District may require the Customer to submit such information as may be deemed necessary to evaluate the changed condition.

6.3 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the WRRF, the Customer shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the Customer.

B. Within five (5) days following such discharge, the Customer shall, unless waived by the District, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Customer to prevent similar future occurrences. Such notification shall not relieve the Customer of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WRRF, natural resources, or any other damage to person or property; nor shall such notification relieve the Customer of any fines, penalties, or other liability which may be imposed pursuant to this policy.

C. A notice shall be permanently posted on the Customer's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

6.4 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the WRRF 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).

B. 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 User must notify the District, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

C. In the case of any notification made under this Section, the User shall certify that it has a program in place to eliminate the volume and toxicity of hazardous wastes.

D. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this policy, a permit issued thereunder, or any applicable Federal or State law.

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The District and its representatives, such as contractors, shall have the right to enter the premises of any Customer to determine whether the Customer is complying with all requirements of this policy or order issued hereunder. Customers shall allow ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a Customer has security measures in force which require proper identification and clearance before entry into its premises, the Customer shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The District shall have the right to set up on the Customer's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Customer's operations.

C. The District may require the Customer to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Customer at its own expense. All devices used to measure wastewater flow and quality shall be at least annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Customer at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be paid by the Customer.

E. Unreasonable delays in allowing the District access to the Customer's premises shall be a violation of this policy.

7.2 Search Warrants

If the District or its representatives has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this policy, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this policy or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the District may seek issuance of a search warrant from the Knox County Circuit Court.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a Customer obtained from reports, surveys, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the Customer specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Customer furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF CUSTOMERS IN SIGNIFICANT NONCOMPLIANCE – [RESERVED]

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the District finds that a Customer has violated, or continues to violate, any provision of this policy or order issued hereunder, or any other Requirement, the District may serve upon that Customer a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Customer. Submission of such a plan in no way relieves the Customer of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The District may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Customer responsible for noncompliance. Such documents shall include specific action to be taken by the Customer to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this policy and shall be judicially enforceable.

10.3 Show Cause Hearing

The District may order a Customer which has violated, or continues to violate, any provision of this policy or order issued hereunder, or any other Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Customer specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Customer show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the Customer as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Customer.

10.4 Compliance Orders

When the District finds that a Customer has violated, or continues to violate, any provision of this policy or order issued hereunder, or any other Requirement, the District may issue an order to the Customer responsible for the discharge directing that the Customer come into compliance within a specified time. If the Customer does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Requirement, nor does a compliance order relieve the Customer of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Customer.

10.5 Cease and Desist Orders

When the District finds that a Customer has violated, or continues to violate, any provision of this policy or order issued hereunder, or any other Requirement, or that the Customer's past violations are likely to recur, the District may issue an order to the Customer directing it to cease and desist all such violations and directing the Customer to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Customer.

10.6 Administrative Fines – [Reserved]

10.7 Emergency Suspensions

The District may immediately suspend a Customer's discharge, after informal notice to the Customer, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The District may also immediately suspend a Customer's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WRRF, or which presents, or may present, an endangerment to the environment.

A. Any Customer notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a Customer's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WRRF, its receiving stream, or endangerment to any individuals. The District may allow the Customer to recommence its discharge when the Customer has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this policy are initiated against the Customer.

B. A Customer that is responsible, in whole or in part, for any discharge presenting 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 District prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this policy.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this policy, any Customer who violates the following conditions is subject to discharge termination:

- A. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- B. Refusal of reasonable access to the Customer's premises for the purpose of inspection, monitoring, or sampling; or
- C. Violation of the Requirements in Section 2 of this policy.

Such Customer will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this policy why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the Customer.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the District finds that a Customer has violated, or continues to violate, any provision of this policy or order issued hereunder, or any other Requirement, the District may petition the Knox County Circuit Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the requirement imposed by this policy on activities of the Customer. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Customer to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a Customer.

11.2 Civil Penalties – [Reserved]

11.3 Criminal Prosecution

A. The District may pursue criminal prosecution for a Customer who willfully or negligently violates any provision of this policy or order issued hereunder, or any other Requirement.

B. The District may pursue criminal prosecution for a Customer who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this policy, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this policy.

11.4 Remedies Nonexclusive

The remedies provided for in this policy are not exclusive. The District may take any, all, or any combination of these actions against a noncompliant Customer. Enforcement of violations will generally be in accordance with the District's enforcement response plan. However, the District may take other action against any Customer when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant Customer.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports – Reserved.

12.2 Performance Bonds – Reserved.

12.3 Liability Insurance – Reserved.

12.4 Payment of Outstanding Fees and Penalties – Reserved.

12.5 Water Supply Severance

Whenever a Customer has violated or continues to violate any provision of this policy or order issued hereunder, or any Requirement, water service to the Customer may be severed. Service will recommence, at the Customer's expense, only after the Customer has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances

A violation of any provision of this policy or order issued hereunder, or any other Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District.

12.7 Informant Rewards – Reserved.

12.8 Contractor Listing – Reserved.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Requirements because of factors beyond the reasonable control of the Customer. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Requirements if the requirements of paragraph (C), below, are met.

C. A Customer who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the Customer can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The Customer has submitted the following information to the District within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;

- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the Customer seeking to establish the occurrence of an upset shall have the burden of proof.

E. Customers shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Requirements.

F. Customers shall control production of all discharges to the extent necessary to maintain compliance with Requirements upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A Customer shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this policy or the specific prohibitions in Sections 2.1(B)(3) through (18) of this policy if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the Customer was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the Customer's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

A. For the purposes of this Section,

- (1) Bypass means the intentional diversion of wastestreams from any portion of a Customer's treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A Customer may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

(1) If a Customer knows in advance of the need for a bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the bypass.

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

D. Bypass

(1) Bypass is prohibited, and the District may take an enforcement action against a Customer for a bypass, unless

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (c) The Customer submitted notices as required under paragraph (C) of this section.

(2) The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—MISCELLANEOUS PROVISIONS

14.1 Pretreatment Charges and Fees – Reserved.

14.2 Severability

If any provision of this policy is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

14.3 Duty to Mitigate

Customers shall take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment or any action which has the reasonable likelihood of obstructing flow in the sewer collection system.

SECTION 15—EFFECTIVE DATE

This policy shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

APPENDIX 1 – FATS, OIL, & GREASE POLICY – [RESERVED]

END APPENDIX 1 – FOG POLICY

APPENDIX 2 – EMERGENCY RESPONSE PLAN (ERP) – [RESERVED]

DESCRIPTION OF ENFORCEMENT ACTIONS

There are two types of enforcement actions: administrative and judicial enforcement. Administrative enforcement includes phone calls, warning letters, notices of violation, administrative orders, civil penalties, and suspension or termination of service to a User. Judicial enforcement includes civil litigation and criminal prosecution. Detailed descriptions of the various enforcement actions are provided in the District's Sewer Use Policy.

Informal Notices

These are generally used by the District when the violation is relatively minor or isolated and the District expects the violation to be corrected within a short period of time or not recurring. These are cordial means to notify a User of a violation that is insignificant or when the User is cooperative in resolving its violation.

Verbal Notification - Verbal notifications with telephone calls, or in person, provide an immediate notification of violations to Users. In general, a verbal notification should be used for a minor isolated violation or as an initial step leading to an escalated enforcement response. All verbal notifications related to enforcement or the investigation of suspected violations should be documented in writing and placed in the District's file for the corresponding User.

Warning Letters - Warning letters should be issued under the same circumstances as verbal notifications. They may be issued as follow-up letters to verbal notifications or in lieu of verbal notifications. corresponding User. A copy of the letter should also be placed in the District's file for the Informal Meeting - An informal meeting should be used by the District to gather information concerning the noncompliance, discuss steps to alleviate noncompliance, and determine the commitment level of the User. All informal meetings should be documented in writing and placed in the District's file for the corresponding User.

Notice of Violation

A Notice of Violation (NOV) is an official written notice from the District to the noncompliant User, informing the User that a violation of a Requirement has occurred. A NOV includes a statement detailing the legal authority under which the District issued the NOV, a description of the violation(s), and the date(s) the violation(s) occurred. A NOV does not always contain an assessment of penalties or cost recovery. In general, NOVs are considered to be more severe enforcement actions than warning letters and they demonstrate the District's intent to make the User resolve the noncompliance. A NOV should be issued when a phone call or warning letter has not resulted in the User taking self-initiative to correct a violation or to prevent a similar reoccurrence, or if the initial violation warrants an NOV as a first action.

The District may include in the NOV a request for a written response from the User, within 10 days from the User's receipt of the NOV, detailing the cause(s) of the violation and the corrective actions that will be taken by the User to correct the violation and prevent similar violations from occurring.

The NOV is issued for relatively minor or infrequent violations of Requirements. Although it may lack the deterrent effect of a civil penalty or criminal indictment, a NOV can nevertheless be an effective response for several reasons. First, the NOV provides the User with an

opportunity to correct the noncompliance on its own initiative rather than according to a schedule of actions determined by the District, and thus fosters a cooperative environment between the User and the District. Second, the NOV documents the initial attempts of the District to resolve the noncompliance. If circumstances require the District to subsequently take a more stringent approach, the NOV shows that the District escalated its response according to its enforcement response guide, rather than reacting to the noncompliance with arbitrary or unnecessarily harsh enforcement. Finally, a NOV provides the District with an inexpensive and prompt response to violations, making enforcement response more viable.

ADMINISTRATIVE ORDERS

Administrative Orders (AOs) are enforcement documents issued by the District that order noncompliant Users to undertake and/or to cease specified activities by specified deadlines. The terms of an AO may or may not be negotiated with Users. AOs may incorporate compliance schedules, administrative penalties, Show Cause Orders, and termination of service orders.

An AO may be issued when the User does not return to compliance following receipt of a NOV. Issuance of one AO is not a ban against, or prerequisite for, taking any other action against the noncompliant User.

The District has the authority to issue four types of AOs: Compliance Orders, Show Cause Orders, Cease and Desist Orders, and Consent Orders. The circumstances of a User's noncompliance frequently dictate the type of order needed to achieve an early return to compliance. No single type of AO is appropriate for all situations, and even when a particular order is the best choice, there are potential disadvantages which the District should consider before issuing it. In fact, the District may use more than one type of order when responding to a particular instance of noncompliance. For example, a User that discharges a slug load may be issued an order which requires the User to cease and desist (to immediately halt the unauthorized discharge) and an order to show cause (to appear before the General Manager and explain the noncompliance).

Termination of Service

Suspension and termination of sewer service are administrative responses that can be implemented directly by the District. Suspension of service is sometimes used as an initial response to noncompliance which causes or threatens to cause an emergency situation. When the District must act immediately to halt or prevent a discharge that presents a threat to the public, the environment, or the WRRF, Cease and Desist Orders and suspension of service are the only appropriate responses. This authority should be used regardless of the User's compliance status.

However, service termination is more frequently used as an escalated response to a significant noncompliance when other enforcement responses fail to bring the User into compliance. Termination of service is the revocation of a User's privilege to discharge nondomestic wastewater into the WRRF. However, since termination of service may force an industry to halt production and may force closure (if discharge privileges are not reinstated), the District should carefully consider all of the legal and operational implications of service termination before using this enforcement action. ***The District shall not provide service for any Industrial User's wastestream.***

In addition to being an effective remedy for past or continuing noncompliance, the prospect of termination of service deters unauthorized or illegal discharges. For Users whose service is terminated, two alternatives to public sewer service exist: (1) having wastewater hauled away or obtaining a direct discharge (NPDES) permit. If these alternatives are not feasible for an industry, it has a strong incentive to avoid termination of sewer service and remain in compliance. When Users are aware that this enforcement response is available and likely to be used as an escalated response, Users generally respond more quickly to preliminary (less severe) enforcement measures.

There are three basic methods to terminate sewer service: physically sever (or plug) the connection to the WWRf collection system or issue a Cease and Desist Order. There are advantages and disadvantages to each of these methods. Severing the sewer line is immediately effective but even a temporary plug may be costly to install and remove. Issuing a Cease and Desist Order is an easy policy to reverse but rely on the industry to carry out the order directives.

All of these methods of termination require an attempt to notify the User. This notice fulfills the legal due process requirements associated with service termination and enables the User to halt production in time to avoid backflows, spills and other harm to its facility as well as time to look for alternative means of wastewater disposal.

Table 1 outlines the minimal contents of a notice for termination of service. The notice should be delivered to an authorized representative of the User by personal delivery or certified mail.

Table 1 - Content of Notice of Termination of Service (Due Process Checklist)

1. Identify Violation
2. Cite Legal Authority to Terminate Service
3. Describe Method for Terminating Service
4. Specify Date and Time When Service Will be Terminated
5. Hearing Date to Determine Whether Service May Be Restored

In the event of a User's failure to immediately comply voluntarily with the Cease and Desist Order, the General Manager should take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WRRF, the environment, or the public.

A User that is responsible, in whole or in part, for imminent endangerment will be required to submit a detailed written statement to the General Manager describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. If a Show Cause Hearing is ordered by the General Manager, the written statement should be submitted prior to such meeting.

ADMINISTRATIVE PENALTIES

An administrative penalty (hereafter referred as civil penalty, as in the Sewer Use Policy) is a punitive monetary charge assessed by the District rather than a court for violations of

Requirements. Civil penalties may be used in conjunction with billing procedures for minor violations that may be detected during inspections or compliance review of self-monitoring data. Such penalties should appear as a separate item on the sewer bill with the violation identified.

Civil penalties are to be used as an escalated enforcement action, to recapture any benefit gained by the User for the noncompliance, and to economically deter future violations. They are not related to the specific cost borne by the District for the noncompliance. In other words, assessments for damages to the WRRF and any penalties, costs, and attorney's fees incurred by the District as a result of User noncompliance, as well as the expenses incurred in enforcement, are not part of the civil penalties. Civil penalties are addressed with AOs.

The District also has the authority to recover costs associated with noncompliance through civil litigation. The District may require the User to pay for all such expenses which the District incurred in responding to the noncompliance, including labor costs for returning the WRRF to service or repairing damage to the collection system, payment for medical treatment of injured District personnel, and indemnification of the WRRF for all penalties and fines assessed against it for NPDES Permit violations.

Even in situations where a noncompliant discharge has not caused actual damage to the WRRF, the prospect of civil penalties (in conjunction with adverse publicity and injunctions against future violations) may be sufficient to convince potentially noncompliant Users that no alternative exists to consistent compliance.

Civil penalties are recommended as an escalated enforcement response, particularly when NOV's or administrative orders have not prompted a return to compliance. Whether civil penalties are appropriate responses to noncompliance also depends greatly on the circumstances surrounding the violation. When using this enforcement response, either singly or in conjunction with another response (e.g., an administrative order requiring the User to take steps to return to compliance), the District should consider the following factors:

- The type and severity of the violation;
- The number of violations cited;
- The duration of the noncompliance;
- The impact of the violation on the WRRF and the environment (e.g., whether the violation caused Pass Through or Interference);
- Whether the violation threatened human health;
- Whether the User derived any economic benefit or savings from the noncompliance;
- The compliance history of the User;
- Whether the User is making good faith efforts to restore compliance;
- Other policy considerations normally involved in an enforcement decision. Other suggestions for instances when civil penalties are particularly appropriate include:
 - When the User remains in noncompliance after receiving repeated NOV's;
 - When the User violates the terms of an administrative order (such as failing to meet a compliance schedule deadline).

JUDICIAL RESPONSES

Civil Litigation

Civil litigation is the formal process whereby the District files a lawsuit against the User to secure court ordered action to correct violations and to secure penalties for the violations including recovery of costs to the District for the noncompliance. Civil litigation is normally pursued when the required corrective action is costly and complex, the penalty to be assessed exceeds that which the District can assess administratively, or when the noncompliant User is considered to be recalcitrant and unwilling to cooperate. The term "civil litigation" also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is similar to criminal prosecution in that it requires the full cooperation of the attorney and may result in court trials of Users and assessment of penalties. However, civil litigation is conducted for different purposes and requires a less stringent burden of proof in order for the District to prevail.

Civil litigation is an appropriate enforcement response in three general situations: (1) emergency situations where injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, or interfere with the WRRF; (2) when efforts to restore compliance through cooperation with the noncompliant User have failed and a court supervised settlement (consent decree) is necessary to enforce program requirements; or (3) to uphold civil penalties and recover losses incurred due to the noncompliance. Finally, successfully concluded civil litigation helps to deter future noncompliance through the establishment of favorable judicial precedent. Since (in most instances) courts are bound to follow established precedent, successful cases encourage Control Authorities within the same State to bring actions based on similar facts. In addition, the awareness that litigation is a viable enforcement option will influence Users to respond promptly to less formal enforcement measures, such as NOV's or AOs. Although the different types of civil litigation are discussed separately below, they are frequently used in combination (e.g., the District may seek an injunction to halt or prevent discharges while a civil enforcement suit is pending).

One major concern with pursuing both civil and criminal enforcement is the applicable Statute of Limitations. A Statute of Limitations restricts the amount of time the District will have to initiate the law suit once it becomes aware of a violation. In Tennessee this "litigation window" is one (1) year after which time the District will have forfeited its ability to pursue an action for that violation.

Consent Decrees

Consent decrees are agreements between the District and the User reached after a lawsuit has been filed. To be binding, the decree must also be signed by the judge assigned to the case. Consent decrees are used when the violator is willing to acknowledge and correct the noncompliance and when the District and the noncompliant User agree on the penalty. Such an agreement can be formalized prior to a full hearing on the issues.

Injunctions

Injunctions are court orders which direct parties to do or refrain from doing something. The District should seek injunctive relief if the delays involved in filing suit would result in irreparable harm. The Sewer Use Policy requires the District to have authority and procedures to immediately and effectively halt or prevent any discharge of pollutants that reasonably appears to present an imminent danger to human health or welfare. The General Manager is empowered by its Sewer Use Policy to issue Cease and Desist Orders; it is, therefore, unlikely that injunctive relief will be necessary to halt or prevent the discharge. However, if the User refuses to comply with the Cease and Desist Order, the District may be forced to seek injunctive relief.

Injunctions to halt or prevent discharges are usually temporary in nature (that is, they have a fixed expiration date). Generally, they may be sought without prior notice to the User. However, the District may also seek permanent injunctions if the injunction is necessary to protect the WRRF. When the injunction sought is permanent in nature, the User is given the opportunity to present arguments against the granting of the injunction.

Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/ or organizations with violations of Requirements that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings and to deter future noncompliance.

Criminal prosecution is appropriate when the District has evidence of noncompliance which shows criminal intent or criminal negligence. In other words, the User either must have intended to break the law or was so indifferent to the nature and implications of its act that it could be deemed criminally negligent. Unless the State Attorney General can prove both of these elements, criminal prosecution is not a viable enforcement option.

Criminal prosecution is recommended in cases involving repeated violations (such as discharges that endanger the human health) and when less formal efforts to restore compliance (such as notices of violation and AOs) have failed. Criminal prosecution can proceed prior to, concurrently with, or subsequent to civil litigation.

Noncompliance may also be prosecuted under Sewer Use Policy provisions not directly related to environmental protection. For example, industry employees who alter monitoring reports, tamper with sampling equipment, falsify self-monitoring reports, or fail to report illegal discharges may be charged with conspiracy to commit crimes.

Because of the presumption of innocence in criminal trials, prosecutors (with the support of the District) must determine if each element of an offense can be proved. The presumption of innocence means that the defendant User does not have to prove its innocence. Unless the prosecution convinces the jury (or judge, if the defendant waives a jury trial) in a State court that an illegal act was performed with criminal intent, the defendant will be acquitted. Unless there is strong evidence of noncompliance, the prosecutor may exercise discretion and decline the case.

Since weak enforcement actions could actually encourage noncompliance (by destroying the rationale/credibility of deterrence), the ability of District officials to convince prosecutors to take the case may itself be an accurate indication of whether criminal prosecution is appropriate.

Under Federal law, felony offenses are punishable by imprisonment for a term exceeding eleven months, twenty-nine days. Examples of environmental felonies under the Clean Water Act include: cognizance of Clean Water Act (Act) violations and awareness of danger to human health; knowing violations of the Act is punishable by fines up to \$50,000 per day of violation, imprisonment for up to 3 years, or both; or knowing endangerment (placing another person in imminent danger of death or serious bodily injury) is punishable by fines up to \$1,000,000 (in the case of a corporation), imprisonment of up to 15 years, or both. Fines and prison sentences under the Act are doubled for second offenses.

Since an User may be imprisoned as a result of criminal prosecution, the District must observe all Federal and State constitutional requirements of criminal procedure such as protections against unreasonable search and seizure (inspections,) privileges regarding self-incrimination (self-monitoring data), the defendants' rights to trial by jury and to confront adverse witnesses, and protections against double jeopardy. These constitutional rights remain applicable if prosecutors seek only monetary fines (in lieu of prison terms) in criminal trials of defendants which are organizations.

REFERRAL TO ENVIRONMENTAL PROTECTION AGENCY OR TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Where a Utility does not rely on criminal prosecution for its enforcement authority, referral to the TDEC or EPA may be made. For violations that may warrant criminal prosecution, the District will refer the case to EPA or the State for further action. Circumstances that trigger EPA or TDEC referrals include evidence of willfulness, evidence of negligence, and lack of good faith shown by the User.

The penalties available to most Approval Authorities are substantially greater than those available to Control Authorities. While State sanctions may not be as severe as EPA's enforcement responses, most provide for substantial civil and criminal penalties. Even where the State undertakes enforcement, the District will be expected to continue to track a User's compliance and take such additional enforcement actions, including joining the State or Federal action when necessary. Cooperation with the State in enforcement actions also provides District training in enforcement methods (both investigatory and legal), increases the deterrent value of initial District responses, and results in more constructive public relations (i.e., the community is reassured that stringent enforcement of its environmental laws is a reality).

ENFORCEMENT RESPONSE GUIDE

USING THE ENFORCEMENT RESPONSE GUIDE

The enforcement response guide is used as follows:

Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.

Assess the appropriateness of the recommended enforcement response(s) in column 3. First time violations or Users demonstrating good faith efforts may merit a more lenient response. Similarly, recurring violations or Users demonstrating negligence should receive a more stringent response.

Any response may be used as a first response to a violation. In addition, an enforcement response may be used in combination with another. For example, conducting a Show Cause Hearing as the first response does not exempt Users of civil penalties at the same time.

Column 4 indicates the personnel to take each response. The time frame in which that response should be taken is indicated at the end of this chapter.

Apply the enforcement response to the User. Specify corrective actions, penalty amounts, and/or other responses required of the User, if any. The appropriate penalty within the range recommended in Column 5 should be determined using the criteria discussed above.

Follow-up with escalated enforcement action if the User's response is not received or violation continues.

Table 2. Enforcement Response Guide

Noncompliance	Nature of Violation	Enforcement Responses	Personnel	Maximum Penalty (\$)
UNAUTHORIZED DISCHARGES				
1. Unauthorized discharge into WRRF	<p>User unaware of requirement; no harm to WRRF, environment, or public</p> <p>User unaware of requirement; harm to WRRF, environment, or public SNC (Section 18-242(4) of SUO)</p> <p>User fails to submit application within deadline specified in the NOV</p> <p>User continues to fail to submit application</p>	<p>Phone call and NOV</p> <p>Cease and Desist Order requiring User to halt violation immediately or terminate discharge</p> <p>Follow up with Compliance Order with civil penalty and request to provide BMR or completed application form within 30 calendar days</p> <p>Civil litigation for damage recovery</p> <p>Informal meeting</p> <p>Compliance Order with civil penalty and requiring application submittal within 15 calendar days</p> <p>Terminate service</p> <p>Seek injunctive relief</p> <p>Criminal investigation</p>	GM	None

Noncompliance	Nature of Violation	Enforcement Responses	Personnel	Maximum Penalty (\$)
DISCHARGE LIMIT VIOLATION				
1. Violation of SUO, Requirement, or order issued under the Sewer Use Policy	<p>Isolated, not significant (e.g., pH above or below limits, exceedance does not exceed the discharge limit by the applicable TRC)</p> <p>Isolated, significant (exceeds the discharge limit by the applicable TRC), but no harm to the WRRF, environment, or public</p> <p>Isolated, with harm to WRRF, environment</p>	<p>Phone call</p> <p>Warning letter</p> <p>NOV</p> <p>Phone call</p> <p>NOV detailing violation and require a written explanation and plan for prevention of similar future violations within 10 days of the receipt of the NOV</p> <p>Compliance Order with civil penalty</p> <p>Cease and Desist Order requiring User to halt violation immediately or terminate discharge</p> <p>Show Cause Hearing</p> <p>Compliance Order with civil penalty</p> <p>Civil litigation for damage recovery</p>	GM	<p>None</p> <p>None</p>

Noncompliance	Nature of Violation	Enforcement Responses	Personnel	Maximum Penalty (\$)
2.	Reported accidental discharge or slug discharge	Recurring, but no harm to WRRF, environment, or public or User in SNC	NOV Show Cause Hearing Compliance Order with civil penalty Cease and Desist Order	
		Recurring, with harm to WRRF, environment, or public	Cease and Desist Order Civil litigation for damage recovery Seek injunctive relief Terminate service/revoke permit	
		Isolated, but no known damage	Verbal warning NOV Compliance Order to develop accidental or slug discharge control plan Compliance Order with civil penalty	

Noncompliance	Nature of Violation	Enforcement Responses	Personnel	Maximum Penalty (\$)
	Failure to report accidental discharge, slug discharge, or changed discharge (results in harm to the WRRF, environment, or public)	Show Cause Hearing		
VIOLATIONS DETECTED DURING SITE VISITS				
1.	Entry denial	Entry denied, consent withdrawn, or copies of records denied	Compliance Order with civil penalty	GM
		Criminal investigation		
2.	Illegal Discharge	No harm to WRRF or environment	Terminate service/revoke permit NOV	
		Compliance Order with civil penalty		
		Terminate service/revoke permit		
		Criminal investigation		

Noncompliance	Nature of Violation	Enforcement Responses	Personnel	Maximum Penalty (\$)
	Discharge causes harm to WRRF, environment, or public	Compliance Order with civil penalty Cease and Desist Order Show Cause Hearing Civil litigation for damage recovery Terminate service/revoke permit Criminal investigation		

END APPENDIX 2 – ERP

**END OF
SEWER USE POLICY**