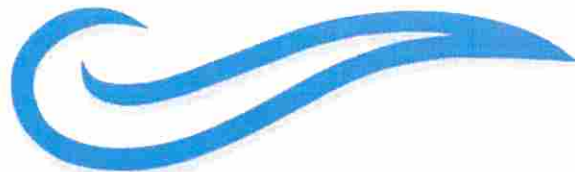


Resolution 2021-08



WATER AUTHORITY
OF DICKSON COUNTY

PRETREATMENT PROGRAM RESOLUTION

Approved by the State of Tennessee Division of Water Pollution Control

Date: 09/29/2021

Approved by the Water Authority of Dickson County Board of Commissioners

Date: 10/11/21

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1-301—GENERAL PROVISIONS**1-301.1 Purpose and Policy**

This resolution sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Water Authority of Dickson County and enables all industrial users to comply with all applicable State and Federal laws, including the State Pretreatment Requirements (Tennessee Rule 0400-40-14), 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 resolution are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable industrial users to comply with its Industrial Discharge Permit (if applicable) and the Water Authority of Dickson County's National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This resolution shall apply to all Users of the Publicly Owned Treatment Works. The resolution authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1-301.2 Administration

Except as otherwise provided herein; the Director shall administer, implement, and enforce the provisions of this resolution. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized Water Authority of Dickson County employee.

1-301.3 Abbreviations

The following abbreviations, when used in this resolution, 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
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
WADC – Water Authority of Dickson County

1-301.4 Definitions

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

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

“Approval Authority” means the Tennessee Division of Water Resources Director or his/her representative(s)

“Authorized” or “Duly Authorized Representative of the User” means:

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

- 2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- 3) If the User 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 his/her 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 WADC.

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

“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 1-302.1 A and B [Tennessee Rule 0400-40-14-.05(1)(a) and (2)]. 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.

“Categorical Pretreatment Standard” or “Categorical Standard” means 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.

“Categorical Industrial User” means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

“Chemical Oxygen Demand” or “COD” means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

“Control Authority” means the Water Authority of Dickson County.

“Daily Maximum” means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

“Daily Maximum Limit” means 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.

“Director” means the Executive Director of the Water Authority of Dickson County. The term may also mean a Duly Authorized Representative of the Director.

“Environmental Protection Agency” or “EPA” means 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.

“Existing Source” means any source of discharge that is not a “New Source.”

“Grab Sample” means 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 15 minutes.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into the POTW from any nondomestic source.

“Instantaneous Limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.

“Local Limit” means specific discharge limits developed and enforced by WADC upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

“Medical Waste(s)” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis waste.

“Monthly Average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“Monthly Average Limit” means 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.

“New Source” means:

- 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.

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

“Pass Through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of WADC’s NPDES permit, including an increase in the magnitude or duration of a violation.

“Person” means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

“pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

“Pollutant” means 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).

“Pretreatment” means 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 POTW. 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.

“Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

“Pretreatment Standards” or “Standards” means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

“Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1-302.1 of this resolution.

“Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by WADC. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

“Septic Tank Waste” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, etc.).

“Significant Industrial User (SIU)” means:

- 1) An Industrial User subject to categorical Pretreatment Standards; or
- 2) An Industrial User that:
 - a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c) Is designated as such by WADC on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- 3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, WADC may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6)(f), determine that such User should not be considered a Significant Industrial User.

“Slug Load or Slug Discharge” means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 1-302.1 of this resolution. 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 POTW's regulations, Local Limits or Permit conditions.

“Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

“Total Suspended Solids” or “Suspended Solids” means 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.

“User” or “Industrial User” means a source of indirect discharge.

“Wastewater” means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

“Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1-302—GENERAL SEWER USE REQUIREMENTS**1-302.1 Connection to public sewers.**

All connections of lateral or other sewer lines to the sewerage system of the WADC service area shall be made subject to such terms and conditions as WADC may prescribe.

1-302.2 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW 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 User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams 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 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) 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 POTW;
- (4) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or 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);
- (5) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (7) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 1-303.4 of this resolution;
- (8) 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;

- (9) 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, thereby violating WADC's NPDES permit;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director
- (12) Sludge, screenings, or other residues from the pretreatment of industrial wastes;
- (13) Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit;
- (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 POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L;
- (17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5 percent or any single reading over 10 percent of the Lower Explosive Limit of the meter;
- (18) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW, including items marked as "flushable" or "disposable", resulting in Interference;
- (19) Any substance, which, if otherwise disposed, would be a hazardous waste under Tennessee Rule 0400-12-01.
- (20) Any discharge to a sewer which will result in a nuisance, or contamination or pollution of receiving waters.

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 POTW.

1-302.3 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with parts “E.” and “F.” of this section.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5).
- D. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in Section 1-302.2 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- E. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- F. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

1-302.4 Local Limits

- A. The Director is authorized to establish Local Limits and Best Management Practices (BMP) as Local Limits pursuant to Tennessee Rule 0400-40-14-.05(3).
- B. The Director reserves the right to make necessary changes to Local Limits and Best Management Practices for the purpose of ensuring Local Limits/Best Management Practices are protective of receiving stream water quality and to facilitate continued compliance with effluent limits listed in the NPDES permit.
- C. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the Daily Maximum Limits.

D. Local Limits are available on the Water Authority of Dickson County Website @ www.wadc.us or available upon request in the pretreatment office at 1198 Rock Church Rd. Dickson, TN 37055.

1-302.5 The Water Authority of Dickson County's Right of Revision

WADC reserves the right to establish, by resolution or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this resolution.

1-302.6 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 Pretreatment Standard or Requirement.

1-302.7 Compatible Pollutant Surcharges

All users whose waste discharges exceed the Normal Wastewater Strength Characteristics (NWSC) listed below will be subject to pay an additional charge for extra strength wastes according to the following. However, if an SIU discharges less than 1% of the total design capacity for a compatible pollutant of the receiving wastewater treatment plant, the Director may, at his discretion, issue a variance for the maximum compatible pollutant concentration provided the total mass discharge remains less than 1% of the design capacity of the receiving treatment facility.

PARAMETER	NWSC (mg/L)	SURCHARGE RATE
Biochemical Oxygen Demand (BOD)	0-300	\$0.35 / lb. *
Total Suspended Solids (TSS)	0-350	\$0.32 / lb. *
Ammonia Nitrogen (NH ₃)	0-25	\$0.35 / lb. *
Oil & Grease (O/G)	0-100	\$0.32 / lb. *

$$S = (F)(P-N)(8.34)(\$)$$

Where

S = Surcharge

F = Flow in million gallons per month, (MGM)

P = Parameter sample results in mg/l

N = Normal Wastewater Strength Characteristics in mg/L

8.34 = (Pounds per gallon)

\$ = (Cost of treatment per pound)

$$\text{BOD SURCHARGE EXAMPLE} = (F)(\text{BOD RESULT}-300 \text{ mg/L})(8.34)(\$0.35)$$

(* - Surcharge rates are subject to change.)

1-303—PRETREATMENT OF WASTEWATER

1-303.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this resolution and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 1-302.1 of this resolution within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to WADC under the provisions of this resolution.

1-303.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director may require Users 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 industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this resolution.

B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization. All flow instrumentation must be calibrated every six months by a trained technician, approved by WADC.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, 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 users. All interception units shall be of a type and capacity approved by the Director, shall comply with WADC's Oil and Grease Management Resolution, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with WADC's Oil and Grease Management Resolution by the User at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

1-303.3 Accidental Discharge/Slug Discharge Control Plans

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

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 1-306.6 of this resolution; 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.

1-303.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Section 1-302 of this resolution or any other requirements established by WADC. The Director requires septic tank waste haulers to obtain individual wastewater discharge permits.
- B. The Director may require *haulers* of industrial waste to obtain individual wastewater discharge permits. The Director may require *generators* of hauled industrial waste to obtain individual wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this resolution.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- E. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and

characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

1-304—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

1-304.1 Wastewater Analysis

When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within five days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

1-304.2 Individual Wastewater Discharge Permit Requirements

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 1-304.3 of this resolution may continue to discharge for the time period specified therein.

B. The Director may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this resolution.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this resolution and subjects the wastewater discharge permittee to the sanctions set out in Sections 1-310 and 1-311 of this resolution. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and Local law.

1-304.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this resolution and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the Director for an individual wastewater discharge permit in accordance with Section 1-304.5 of this resolution, and shall not cause or allow discharges to the POTW to continue after 45 days of the effective date of this resolution except in accordance with an individual wastewater discharge permit issued by the Director.

1-304.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in

accordance with Section 1-304.5 of this resolution, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

1-304.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description must include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 1-302.2C (Tennessee Rule 0400-40-14-.06(5)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 1-306.9 of this resolution. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 1-306.10 of this resolution.

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

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

1-304.6 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 1-306.13A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.

1-304.7 Individual Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit.

1-305—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

1-305.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

1-305.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to WADC in accordance with Section 1-305.5 of this resolution, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and Local law.
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or Local law.
- (6) Requirements to control Slug Discharge, if determined by the Director.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this resolution, and State and Federal laws, rules, and regulations.

1-305.3 Permit Issuance Process

A. Permit Appeals. The Director shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the User, may petition the Director to reconsider the terms of an individual wastewater discharge permit within 30 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
- (3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the Director fails to act within 14 days of receiving the petition, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the chancery court in the appropriate county within the State of Tennessee Statute of Limitations.

1-305.4 Permit Modification

The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or Local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to WADC's POTW, WADC personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to Tennessee Rule 0400-40-14-.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit;
or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 1-305.5.

1-305.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Director and the Director approves the individual wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

1-305.6 Individual Wastewater Discharge Permit Revocation

The Director may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 1-306.5 of this resolution;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;

- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement or any terms of the wastewater discharge permit or this resolution.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

1-305.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 1-304.5 of this resolution, a minimum of 180 days prior to the expiration of the User's existing individual wastewater discharge permit.

1-306—REPORTING REQUIREMENTS

1-306.1 Baseline Monitoring Reports

A. Within either 180 days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least 90 days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 1-304.5A (1) (a), Section 1-304.5A (2), Section 1-304.5A (3) (a), and Section 1-304.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 1-304.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

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

D. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 1-306.10 of this resolution, the results of this monitoring shall be included in the report.

1-306.5 Reports of Changed Conditions

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

A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 1-304.5 of this resolution.

B. The Director may issue an individual wastewater discharge permit under Section 1-305.7 of this resolution or modify an existing wastewater discharge permit under Section 1-305.4 of this resolution in response to changed conditions or anticipated changed conditions.

1-306.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director 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 User.

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

C. A notice shall be permanently posted on the User'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.

D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

1-306.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

1-306.8 Exceedance of Permit Limits

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

1-306.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

1-306.10 Sample Collection

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

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

- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 1-306.9;
- e. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1-301.4 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 1-306.2 of this resolution.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 1-306.13A of this resolution and signed by an Authorized Representative as defined in Section 1-301.4.

1-306.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 1-306.1(B)(4) of this resolution:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine months;

C. The User shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the Director.

1-306.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 1-304.5A (6) and (7) and 1-306.1(B)(2) of this resolution. For Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 1-306.13A of this resolution. All sampling will be done in conformance with Section 1-306.10.

1-306.4 Periodic Compliance Reports

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

B. All periodic compliance reports must be signed and certified in accordance with Section 1-306.13A of this resolution.

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

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 1-306.1 and 1-306.3 [Tennessee Rule 0400-40-14-.12(2) and (4)], a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 1-306.4 (Tennessee Rule 0400-40-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

1-306.11 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. All analytical reports must be submitted to the Director on the 15th day of the following month from which the wastewater samples were taken.

1-306.12 Recordkeeping

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

1-306.13 Certification Statements

Certification of Permit Applications and User Reports—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 1-304.7; Users submitting baseline monitoring reports under Section 1-306.1 B (5) Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 1-306.3. Users submitting periodic compliance reports required by Section 1-306.4 A–C. The following certification statement must be signed by an Authorized Representative as defined in Section 1-301.4:

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

1-307—COMPLIANCE MONITORING

1-307.1 Right of Entry: Inspection and Sampling

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this resolution and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Director 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 User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, WADC shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

C. WADC may require the User 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 User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once every six months 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 User at the written or verbal request of WADC and shall not be replaced. The costs of clearing such access shall be born by the User.

Unreasonable delays in allowing WADC access to the User's premises shall be a violation of this resolution.

1-307.2 Search Warrants

If WADC 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 resolution, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of

WADC designed to verify compliance with this resolution or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, WADC may seek issuance of a search warrant from the chancery court in the county in which the alleged violation occurred.

1-308—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from WADC's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of WADC, 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 User 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 or pretreatment 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.

1-309—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

WADC shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Water Authority of Dickson County, a list of the Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 1-301.4;
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1-301.4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 1-301.4 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that WADC determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

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

F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which WADC determines will adversely affect the operation or implementation of the Local Pretreatment Program.

1-310—ADMINISTRATIVE ENFORCEMENT REMEDIES

1-310.1 Notification of Violation

When WADC finds that a User has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, WADC may serve upon that User a written Notice of Violation. Within five 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 User to WADC. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of WADC to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

1-310.2 Consent Orders

The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User 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 1-310.4 and 1-310.5 of this resolution and shall be judicially enforceable.

1-310.3 Show Cause Hearing

The Director may order a User which has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User 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 10 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1-301.4 and required by Section 1-304.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

1-310.4 Compliance Orders

When the Director finds that a User has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User 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 Pretreatment Standard or Requirement, nor does a compliance order relieve the User 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 User.

1-310.5 Cease and Desist Orders

When the Director finds that a User has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User 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 User.

1-310.6 Administrative Penalties

- A. When the Director finds that a User has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement, the Director may penalize such User in an amount not to exceed \$10,000 for each violation. Such penalties shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation.

B. Users desiring to dispute such penalties must file a written request for the Director to reconsider the penalty along with full payment of the penalty amount within five days of being notified of the penalty. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

C. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

1-310.7 Emergency Suspensions

The Director may immediately suspend a User's discharge, after informal notice to the User, 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 Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 1-310.8 of this resolution are initiated against the User.

B. A User 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 Director prior to the date of any show cause or termination hearing under Sections 1-310.3 or 1-310.8 of this resolution.

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

1-310.8 Termination of Discharge

In addition to the provisions in Section 1-305.6 of this resolution, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 1-302 of this resolution.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 1-310.3 of this resolution why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

1-311—JUDICIAL ENFORCEMENT REMEDIES

1-311.1 Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition the chancery court in the county in which the alleged violation occurred through WADC's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this resolution on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User 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 User.

1-311.2 Criminal Prosecution

- A. In the event that, upon reasonable investigation, the Director shall determine that a User has committed an applicable violation, the Director shall refer the matter to the office of the district attorney general or United States Attorney having jurisdiction of any judicial district wherein any such act or omission, or any portion thereof, shall have occurred, for criminal prosecution under and pursuant to such statutes as may apply to such applicable violation.
- B. For purposes of this Section 1-311.2, an "applicable violation" shall mean by act or omission intentionally, recklessly, knowingly, or negligently –

- a. to violate any provision of this resolution, any individual wastewater discharge permit, any order issued pursuant hereto, or any other Pretreatment Standard or Requirement;
- b. to introduce any substance into the POTW which causes personal injury or property damage; or,
- c. to make any materially false statement, representation, or certification in any application, record, report, plan, or other documentation required to be produced, maintained, and/or filed pursuant to –
 - i. this resolution;
 - ii. any individual wastewater discharge permit; or,
 - iii. any order issued hereunder,or to fail to make any statement, representation, or certification necessary to make any other statement made therein or in any other such application, record, report, plan, or other documentation so required to be produced, maintained, and/or filed not materially misleading; or,
- d. to falsify, tamper with, or render inaccurate any monitoring device or method required under this resolution.

C. The criminal statutes under which the Director may request the assistance of such district attorney general or United States Attorney to proceed include, but are not limited to, Tenn. Code Ann. § 69-3-115(b), Tenn. Code Ann. § 69-3-115(c), Tenn. Code Ann. § 39-14-114, Tenn. Code Ann. § 39-14-408, Tenn. Code Ann. § 39-14-502 – 508, and Tenn. Code Ann. § 39-16-504.

1-311.3 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to WADC for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by WADC.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's

violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

1-311.4 Judicial Proceedings and Relief

The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

1-311.5 Remedies Nonexclusive

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

1-312—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

1-312.1 Upset

A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. 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 categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User 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 User 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 User has submitted the following information to the Director within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five 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 User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

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

1-312.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 1-302.1(A) of this resolution or the specific prohibitions in Sections 1-302.1(B)(3) through Section 1-312.1 of this resolution 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 User 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 User's prior discharge when WADC was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

1-312.3 Bypass

A. For the purposes of this section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User'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 User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least 10 days before the date of the bypass, if possible.

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

D. Bypass

(1) Bypass is prohibited, and the Director may take an enforcement action against a User 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 User submitted notices as required under paragraph (C) of this section.

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

1-313—MISCELLANEOUS PROVISIONS**1-313.1 Pretreatment Charges and Fees**

WADC may adopt reasonable fees for reimbursement of costs of setting up and operating WADC's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- A. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- B. Fees for reviewing and responding to accidental discharge procedures and construction;
- C. Fees for filing appeals;
- D. Fees to recover administrative and legal costs (not included in Section 1-313.1 B) associated with the enforcement activity taken by the Director to address IU noncompliance; and
- E. Other fees as WADC may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this resolution and are separate from all other fees, fines, and penalties chargeable by WADC.

1-313.2 Severability

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

1-314—EFFECTIVE DATE

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

Passed Oct 11, 20 21



Todd Murphy
Chairman, Board of Commissioners
Water Authority of Dickson County