



City Commission Meeting Study Session Agenda

Thursday, May 14, 2026 at 6:00 PM

The Tom Hardin Room – 100 Public Square, Mount Pleasant, TN

1. **Call to Order**
2. **Pledge of Allegiance / Invocation**
3. **Roll Call**
4. **Approval / Correction of Minutes from Prior Meetings**
 - A. STUDY SESSION- APRIL 16, 2026
 - B. REGULAR MEETING- APRIL 21, 2026
5. **Awards/Presentations/Appointments**
 - A. OATH OF OFFICE FOR POLICE OFFICER DAVID SUBLETT
6. **Completion / Review of Unfinished Business from prior meeting**
 - A. ORDINANCE 2026-1140- (FINAL READING) AN ORDINANCE TO AMEND TITLE 18 OF THE MOUNT PLEASANT MUNICIPAL CODE RELATING TO SEWER USE BY REPEALING CHAPTER 2 IN ITS ENTIRETY AND REPLACING TITLE 18, CHAPTER 2 WITH A NEW CHAPTER PERTAINING TO SEWER USE
 - B. ORDINANCE 2026-1143 STORMWATER MANAGEMENT (FINAL READING)- AN ORDINANCE ESTABLISHING A STORMWATER MANGEMENT PROGRAM FOR THE CITY OF MOUNT PLEASANT
7. **Monthly report from Mayor**
8. **Monthly Financial / Budget report**
9. **Monthly report from City Manager**
10. **Special reports from other City Departments or Committees if applicable**
 - A. WASTEWATER LIAISON REPORT
 - B. MOUNT PLEASANT GAS SYSTEM REPORT
11. **New Business**

(Comments from citizens may or may not be included, dependent on the issues.)

 - A. ORDINANCE 2026-1141 ZONING AMENDMENT (1ST READING)
 - B. ORDINANCE 2026-1142 STORMWATER (1ST READING)- AN ORDINANCE ESTABLISHING A STORMWATER UTILITY FOR THE CITY OF MOUNT PLEASANT
 - C. ORDINANCE 2026-1144 BUDGET AMENDMENT 2025-2026 (1ST READING)
 - D. ORDINANCE 2026-1145 BUDGET PRESENTATION 2026-2027 & TAX RATE (1ST READING)
 - E. RESOLUTION 2026-21 PRE-TREATMENT & SUPPORTING DOCUMENTATION (1ST READING)

F. RESOLUTION 2026-22 SPECTRUM CONTRACT APPROVAL

G. RESOLUTION 2026-23 FIRE TRUCK ACCEPTANCE LOAN/GRANT USDA

H. DISCUSSION: ON-CALL TOWING SERVICES

I. DISCUSSION: REPAIR SEWER LIFT STATION PUMP

12. General comments from citizens (May be limited in time and/or number of comments.)

13. Board / Staff Comments / Adjournment

OATH OF OFFICE

STATE OF TENNESSEE
COUNTY OF MAURY

I, **David Sublett**, as a member of the Mount Pleasant Police Department, do solemnly swear to uphold the Constitution of the United States, the State of Tennessee, and the Ordinances & Charter of the City of Mount Pleasant.

I will faithfully execute my duties in accordance with the General Orders of the Mount Pleasant Police Department to the best of my ability so help me God.

In witness whereof, I have hereunto affixed my signatures, this _____ day of _____, 20____.

Sworn to and subscribed before me this _____ day of _____, 20____.

City Recorder

ORDINANCE 2026-1140

AN ORDINANCE TO AMEND TITLE 18 OF THE MOUNT PLEASANT MUNICIPAL CODE RELATING TO SEWER USE BY REPEALING CHAPTER 2 IN ITS ENTIRETY AND REPLACING TITLE 18, CHAPTER 2 WITH A NEW CHAPTER PERTAINING TO SEWER USE

BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That Title 18, Chapter 2 of the City of Mount Pleasant’s Municipal Code is hereby deleted in its entirety and replaced with a new Title 18, Chapter 2 as follows:

CHAPTER 2

WASTEWATER REGULATIONS

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Septic tank effluent pump or grinder pump wastewater systems.
- 18-205. Private domestic wastewater disposal.
- 18-206. Regulation of holding tank waste disposal or trucked in waste.
- 18-207. Discharge regulations.
- 18-208. Application for domestic wastewater connection and industrial wastewater discharge permits.
- 18-209. Industrial user monitoring, inspection reports, records access, and safety.
- 18-210. Enforcement and abatement.
- 18-211. Fees and billing.
- 18-212. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Mount Pleasant, Tennessee wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;

- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 C.F.R. part 403), and the Tennessee Water Quality Control Act, Tennessee Code Annotated, § 69-3-123, et seq.;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the city must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities, and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided herein, the local administrative officer of the city shall administer, implement, and enforce the provisions of this chapter. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.
- (2) "Approval authority." The Tennessee Department of Environment and Conservation, ~~Division of Water Pollution Control.~~ Division of Water Resources.
- (3) "Authorized representative of industrial user." An authorized representative (for signatory requirements for industrial user reports) of an industrial user shall be signed as follows:
 - (a) By a responsible corporate officer, if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 0400-40-14-12(12)) is a corporation. For the purpose of this section, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital

investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports (required by paragraphs (2), (4), and (5) of Tennessee Rule 0400-40-14-.12) is a partnership or sole proprietorship, respectively;

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual designated in subsections (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under Tennessee Rule 0400-40-14-.12(12)(c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Tennessee Rule 0400-40-14-.12(12)(c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(4) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2). BMPs also 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. (Tennessee Rule 0400-40-14.03(1)).

(5) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20E) centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(7) "Categorical standards." The national categorical pretreatment standards or

pretreatment standard.

(8) "City." The City of Mount Pleasant or the board of commissioners.

(9) "Commissioner." The commissioner of the Department of Environment and Conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(10) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Commercial customer." Shall mean any business or company that sells goods or services to the general public whose wastewater stream contains compatible pollutants only, as defined in item (10) above. Educational facilities whose wastewater stream contains compatible pollutants only will be considered as commercial customers as well.

(12) "Cooling water." The discharge from air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. Water used for cooling which does not come into direct contact with raw material, intermediate product, waste product, or finished product.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the local hearing authority if the city has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

(14) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(15) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(16) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(17) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(18) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(19) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes.

- (20) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or more and is located outside the building.
- (21) "Grease trap." An interceptor whose rated flow is fifty (50) g.p.m. or less and is located inside the building.
- (22) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (23) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.
- (24) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 17), into the POTW (including holding tank waste discharged into the system).
- (25) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 42).
- (26) "Industrial customer." Shall mean any business or company that manufactures or warehouses goods whose wastewater stream contains compatible pollutants and/or incompatible pollutants, as defined in items (10) and (23) above. Commercial customers whose wastewater stream contains incompatible pollutants (or compatible pollutants at excessive concentrations) will be automatically considered as industrial customers, and charged the industrial rate for wastewater discharges. Additionally, the commercial customer may be required to be permitted as an industrial customer (as determined by the superintendent).
- (27) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.
- (28) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.
- (29) "Interference." Interference means a discharge which, 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. (0400-40-14-.03)
- (30) "Local administrative officer." The chief administrative officer of the local hearing authority: the sewer system operations manager ("system manager").
- (31) "Local hearing authority." The board of commissioners or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

(32) "National pretreatment standard," "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act (33 U.S.C. § 1347), which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule **0400-40-14-.05**.

(33) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act as amended.

(34) "New source" means:

(a) 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 Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) 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.

(b) 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 parts (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this section has commenced if the owner or operator has:

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

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, 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

(ii) 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 section.

(35) "Non-domestic, non-industrial water." Water which may be utilized by a person for irrigation, agricultural or recreational purposes which does not enter or contribute to Mount Pleasant's wastewater stream.

(36) "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 the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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

(38) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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

(40) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water and certain characteristics of wastewater (e.g. pH, temperature, turbidity, color, BOD, COD, toxicity, or other discharge into water).

(41) "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 discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, biological processes, process changes or by other means, except as prohibited by Tennessee Rule 0400-40-14-.06(4) or through dilution as prohibited by 40 C.F.R. section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 0400-40-14-.06(5).

(42) "Pretreatment coordinator." The person designated by the local hearing

authority or its authorized representative to supervise the operation of the pretreatment program.

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

(44) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned, in this instance, by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharge to and the discharge from such a treatment works.

(45) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(46) "Residential customer." Shall mean any single or multi-family homes, apartments, duplexes, triplexes, condominiums, trailers, or other dwelling units (deemed "residential" by the system manager whose wastewater stream contains compatible pollutants only, as defined in item ~~(9)~~ (10).

(47) "Shall" is mandatory; "may" is permissive.

(48) "Significant industrial user." The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; or

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 C.F.R. 403.12(f) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(49) "Significant noncompliance." See 40 C.F.R. 403.8(f)(2)(viii) and Tennessee Rule **0400-40-14-.08(6)(b)8**. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (iii), (iv), or (viii)

of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Tennessee Rule ~~0400-40-05~~; 0400-40-14-.03

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by Tennessee Rule ~~0400-40-05~~ 0400-40-14-.03 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by Tennessee Rule ~~0400-40-14-.08~~ 0400-40-14-.03 that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Tennessee Rule 0400-40-14-.08(6)(a)6(ii) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

~~(g)(h)~~ Continuously Monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceeded limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

~~(h)(i)~~ Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(50) "Slug." 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 violates the POTW's regulations, local limits, or permit conditions; or any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(51) "State." The State of Tennessee.

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

(53) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(54) "Storm sewer" or "storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the system manager.

(55) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(56) "Superintendent." The local administrative officer or the person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(57) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of C.W.A. 307(a) or other Acts.

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

(59) "User." The owner, tenant, or occupant of any lot or parcel of land connected to a sanitary sewer.

(60) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(61) "Wastewater treatment systems." Defined the same as POTW.

(62) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or

private, that are contained within, flow through, or border upon the state or any portion thereof.

(63) "WWF treatment plant" means that portion of the wastewater facilities which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. When "WWF" is used, it has the same definition as "POTW." (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

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

(d) Except as provided in § 18-203(1)(e) below, and subject to any state mandated moratorium the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and located within one hundred feet (100') of the property line and upon a lot or property in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line over public access. The city shall install up to one hundred feet (100') of sewer service line from a sewer main to serve property owners as consideration for the within described connection fee. Provided further, sewer service shall be considered available where the first floor of the building above or on ground level can be served in accordance with the city's rules and regulations and general practices. All costs of installation over one hundred feet (100') to serve the property shall be reimbursed by the property owner.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

(g) Users have a duty to comply with the provisions of this ordinance in

order for the city to fulfill the stated policy and purpose. Significant Industrial Users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

- (2) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer and will install service lines to the property of the owner after first submitting a connection application and payment of the connection to the city as required by § 18-208 of this chapter.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the system manager. The connection fee shall be paid to the city at the time the application is filed.

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

- (c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Buildings, or structures, under one (1) continuous roof may be deemed to be a single building, i.e. duplexes, apartments, attached garages, etc.

- (d) Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the system manager.

- (e) Building sewers shall conform to the following requirements:

- (i) The minimum size of a building sewer shall be as follows:

Conventional sewer system - four inches (4").

Existing septic tanks shall not become an integral part of the collection and treatment system unless they are first proven and tested to be completely water-tight by specifications of the consulting engineer of the wastewater system. The minimum size influent line of septic tanks shall be four inches (4") and the minimum size of septic tank shall be one thousand five hundred (1,500) gallons. Septic tanks shall be constructed of water-tight material and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

- (ii) The minimum depth of a building sewer shall be eighteen inches (18").

- (iii) Building sewers shall be laid on the following grades: Four-inch

(4") sewers - one-eighth inch (1/8") per foot. (one percent (1%) grade).

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(iv) Slope and alignment of all building sewers shall be uniform.

(v) Building sewers shall be constructed only of ductile iron pipe class 50, or above, with sewer lining such as a forty (40) millimeter thickness of polyethylene or equivalent or polyvinyl chloride pipe SDR-35 (or Schedule 40) for gravity sewers and SDR-21 for pressure sewers. Joints shall be solvent-welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) A cleanout shall be located five feet (5') outside of the building, one (1) as it crosses the property line and one (1) at each change of direction of the building sewer which is forty-five degrees (45E) or greater. Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") or six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A 2-way shall be used for the cleanout base. Cleanouts shall be of the same size as the pipe they are serving or are connected but not smaller than four (4") inches.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Fernco boot with stainless steel screw type clamps may also be allowed for connections at the discretion of the system manager. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Taps on the main line may be installed by utilizing a rotary cutter and sealed tee or wye fittings. All such connections shall be made gastight and watertight. Bedding must support pipe to prevent damage or sagging.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one-eighth inch (1/8") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner, pursuant to § 18-204.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation Manual of Practice FD-5. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) Drains. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections. (i) The building sewer connection to the public sewer and all building sewers from the building to the public sewer lateral at the city's cleanout shall be inspected and tested before the underground portion is covered by the city's building inspector or his authorized representative (who must be a certified plumbing inspector), in accordance with the International Plumbing Code. The lateral sewer connection to the sewer main line and all line installed by the city to serve the property, normally installed to the cleanout installed at the property line, shall be inspected by the system manager or his designated representative.

(ii) The applicant for discharge shall notify the city building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city building inspector or his representative and by the system manager or his representatives as appropriate.

(3) Maintenance of building sewers. (a) Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the system manager to meet specifications of the city. Users failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the system manager up to and including discontinuation of water and sewer service.

(b) The City may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(c) The point of division between the building sewer and the City owned sewer tap or service connection shall be at the property line, right-of-way line,

property line sewer cleanout, or such point in this general area as identified by the system manager. The City owned tap or service line connection cannot extend onto private property except that minimal distance to the edge of right-of-ways, easements, or that distance necessary to cross other City utility lines and provide a location unencumbered by other underground City utilities where the user can make a connection to the building sewer without risk of damage to those other City utilities.

(4) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the system manager. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the system manager with a record drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the system manager. The system manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-204. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the City of Mount Pleasant.

(1) Equipment requirements. (a) Septic tanks shall be of water-tight construction and must be approved by the city.

(b) Pumps must be approved by the city and shall be maintained by the city.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the city. Installation shall follow design criteria for STEP and GP systems as provided by the system manager.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the city.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership and an easement. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the system manager.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the city. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The city shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010) In addition if the City receives regulatory fines related to equipment failure and sewage overflows all such fines will be passed on to the user.

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth inch (1/8") per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the system manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less

than that specified by the county health department and/or the approval authority as appropriate.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department and/or the approval authority as appropriate. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the county health department and/or the approval authority as appropriate.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department and/or the approval authority as appropriate. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department and/or the approval authority as appropriate when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department and/or the approval authority as appropriate.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the city and the county health department and/or the approval authority as appropriate. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line if approved at the discretion of the system manager, shall be connected to the public sewer within ninety (90) days of the date of availability and the private sewage disposal system should be cleaned of sludge and, if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department and/or the approval authority as appropriate. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-206. Regulation of holding tank waste disposal or trucked in waste. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the system manager when the conditions of this chapter have been met and providing the system manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of

domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in § 18-211. Any such permit granted shall be for one (1) fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The system manager may designate one (1) or more approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The system manager may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the system manager. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Mount Pleasant.

(5) Trucked in waste. No waste material or cleaning waste will be allowed from trucks, railcars, barges, etc., or temporally pumped waste without written approval by the system manager. This approval may require testing, flowing monitoring and record keeping or the issuance of an industrial pretreatment permit. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interference with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of general and specific prohibitions may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions as provided in § 18-210. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more

than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, wastestreams with a closed cap flash point of less than one hundred forty degrees (140E) Fahrenheit or sixty degrees (60E) centigrade using the test methods specified in 40 C.F.R. 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hides, or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, glass grinding, polishing wastes and hair or whole blood from slaughterhouses.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, and are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(h) Any "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" as required by Tennessee Rule 0400-40-14-.05(2)(g).

(i) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(j) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, 40 C.F.R. 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40E) centigrade (one hundred four degrees (104E) Fahrenheit).

(n) In regards to slug discharges, 40 C.F.R. part 403.8~~(f)~~(2)(vi) requires all POTWs to evaluate each industry's need to develop a slug control plan. The pretreatment coordinator will determine this need for each individual industry during his annual inspection of industries, and for new industries during his initial inspection of the new industry. Mount Pleasant POTW will accept non-routine batch discharges as long as the user gets approval from the system manager prior to discharging and controls the release. See "slug discharge" definition in § 18-202(50).

(o) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the system manager in compliance with applicable state or federal regulations.

(p) Any wastewater which causes a hazard to human life or creates a public nuisance.

(q) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(r) Detergents, surfactants, surface-acting agents, or other substances which may cause excessive foaming at the POTW or pass through of foam.

(s) Wastewater causing, alone or in conjunction with other sources, the POTW to fail toxicity tests.

(t) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged

to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet, only upon approval of the Tennessee Department of Environment and Conservation.

(2) When specific limits must be developed by the POTW. (a) Each POTW developing a POTW pretreatment program pursuant to **Tennessee Rule 0400-40-14-.08** shall develop and enforce specific limits to implement the prohibitions listed in § 18-207(1). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(b) All other POTWs shall, in cases where pollutants contributed by user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(c) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(3) POTWs may develop Best Management Practices (BMPs) to implement subsections (a) and (b) of this section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this rule chapter. Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 2 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the POTW from interference or protect the receiving waters from pass through contamination.

(4) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in § 18-207, Table B - Plant Protection Criteria, unless specifically allowed by their discharge permit local limits (§ 18-207, Table A - User Discharge Restrictions). Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

(5) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the system manager, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the system manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation.

Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the system manager determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the system manager the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the system manager the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the system manager may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the International Plumbing Code and Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer

lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of control equipment.

(f) The system manager may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease.

Table A - User Discharge Restrictions Wastewater Treatment Plant - Industrial Local Limits

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Copper	0.36004	N/A
Chromium	0.92139	N/A
Nickel	0.73235	N/A
Cadmium	0.03089	N/A
Lead	0.11062	N/A
Mercury	0.00091	N/A
Silver	0.07249	N/A
Zinc	0.37001	N/A
Cyanide	N/A	0.03347
Toluene	N/A	0.92430
Benzene	N/A	0.04621
1,1,1 Trichloroethane	N/A	0.61620
Ethylbenzene	N/A	0.09859
Carbon tetrachloride	N/A	0.01070
Chloroform	N/A	0.55133
Tetrachloroethylene	N/A	0.12926
Trichloroethylene	N/A	0.23268
1,2Trans Dichloroethylene	N/A	0.01849
Methylene chloride	N/A	0.23700
Phenols (total)	N/A	1.12036

Naphthalene	N/A	0.03081
Phthalates (total)	N/A	0.41837
DEHP	N/A	0.03892
BOD	N/A	471.00**
Suspended solids	N/A	2,295.00**

Up to date industrial numbers for local limits can be obtained by visiting our website at www.mtpleasant-tn.gov/utilities.

* Based on twenty-four (24) hour flow proportional composite samples.

**Based on twenty-four (24) hour flow proportional composite samples. In cases where wastewater streams contain sanitary wastewater, a combined waste stream formula will be used to develop the local limit for BOD and suspended solids and limits on these parameters shall be sampled as a daily average maximum concentration.

BDL = Below Detectable Limits

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in the following table. (§ 18-207, Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l) Grab Sample
	(24 Hour Flow) Proportional Composite Sample	
Copper	0.1671	N/A
Chromium	0.3750	N/A
Nickel	0.2996	N/A

Cadmium	0.0125	N/A
Lead	0.0469	N/A
Mercury	0.0004	N/A
Silver	0.0294	N/A
Zinc	0.2734	N/A

Parameter	Maximum Concentration (mg/l)	Maximum
	(24 Hour Flow) Proportional Composite Sample	Instantaneous Concentration (mg/l) Grab Sample
Cyanide	N/A	0.0146
Toluene	N/A	0.3750
Benzene	N/A	0.0188
1,1,1 Trichloroethane	N/A	0.2500
Ethylbenzene	N/A	0.0400
Carbon tetrachloride	N/A	0.0043
Chloroform	N/A	0.2237
Tetrachloroethylene	N/A	0.0524
Trichloroethylene	N/A	0.0944
1,2Trans Dichloroethylene	N/A	0.0075
Methylene chloride	N/A	0.0962
Phenols (total)	N/A	0.4545
Naphthalene	N/A	0.0125
Phthalates (total)	N/A	0.1697
DEHP	N/A	0.0158
BOD	N/A	190.97
Suspended solids	N/A	931.16

Up to date plant protection criteria numbers can be obtained by visiting our website at www.mtpleasant-tn.gov/utilities.

Table C - Surcharge and Maximum Limits

Parameter	Surcharge Limit (mg/l)	Maximum Concentration (mg/l)
Oil and grease	50.00	100.00
Ammonia	25.00	30.00
BOD	190.97	471.00
Suspended solids	931.16	2,295.00

Surcharge fees are as shown in § 18-211(2)(d).

(7) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The pretreatment coordinator shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law. As required by Tennessee Rule 0400-40-14.12(6), industrial customers are required to notify the POTW and pretreatment coordinator of any potential problems, including slug loading. All categorical and non-categorical industrial users shall notify the POTW and

pretreatment coordinator immediately of all discharges that could cause problems to the POTW, including any slug loadings.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. ~~In lieu of placing notices on bulletin boards, the users may submit an approved SPIC.~~ Each user shall annually certify to the pretreatment coordinator compliance with this section. (Ord. #2006-865, Oct. 2006, as amended by Ord. #2007-875, Sept. 2007, and replaced by Ord. #2009-899, Oct. 2009, and Ord. #2010-917, Oct. 2010)

18-208. Application for domestic wastewater connection and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the system manager for connection to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received by the city and approved by the system manager, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the system manager or his representative, and all applicable fees have been paid. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

The receipt by the city of a prospective customer's application for connection shall not obligate the city to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall submit an application according to the schedule in (b)(i).

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the appropriate application fee. Attached hereto and incorporated herein as Schedule B is a list of application fees, permit fees, industrial pretreatment and/or user fees, tap fees and applicable service charges.

(ii) The application shall be in the prescribed form of the city and

shall include but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in § 18-207(1) and (2) discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; plans for sampling pit and primary device, FOG (Fats, Oils, and Grease) plans, SPCC (Spill Prevention Controls and Countermeasures) plans, a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this section, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

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

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Both individual and general control mechanisms (all permits) must be enforceable and contain, at a minimum, the following conditions:

(A) Statement of duration (in no case more than five (5) years);

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

(C) Effluent limits, including best management practices, based on applicable general pretreatment standards as shown in Tennessee Rule 0400-40-14-.03(1), categorical pretreatment standards, local limits, and state and local laws;

(D) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Tennessee Rule 0400-40-14-.12(5)(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards as shown in Tennessee Rule 0400-40-14-.03(1), categorical pretreatment standards, local limits, and local laws;

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

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

- (ii) Additionally, permits may contain the following:
 - (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (B) Requirements for installation and maintenance of inspections and sampling facilities; schedules;
 - (C) Requirements for submission of technical reports or discharge reports;
 - (D) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
 - (E) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (F) Requirements for notification of slug discharges and spill control plan;
 - (G) Effluent mass loading restrictions;
 - (H) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit revision. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the pretreatment coordinator within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-208(2)(b)(ii) and (iii).

(e) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(g) Permit transfer. Wastewater discharge permits are issued to a specific

user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(h) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. The user must clearly and permanently mark each item of information that is being claimed as confidential at the time of submission.

18-209. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users when necessary in the opinion of the system manager. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. The monitoring facility may be required to:

- (a) Contain a primary device for accurate flow measurement of all flow ranges of the industry;
- (b) Provide for electrical service to the primary device; and
- (c) Be located at a point outside of the security fencing, or if none, outside the discharging source building(s) of the industry at a point accessible by the city for monitoring so as to be monitored by the city without entry through the gate of the plant. All designs for primary devices and monitoring facilities shall be stamped and dated by a professional engineer licensed to practice in Tennessee.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building and all facility fencing, if any. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Inspection and sampling. The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. Industrial users shall be required to conduct representative sampling as

required in Tennessee Rule 0400-40-14-.12(7)(c). All industrial users are required to submit all monitoring data as required in Tennessee Rule 0400-40-14-.12(7)(f).

(3) Compliance date report. Report on compliance with categorical pretreatment standard deadline. Within ninety (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 industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in Tennessee Rule 0400-40-14-.12(2)(d-f). For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 0400-40-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(4) Baseline reports. (a) Reporting requirements for industrial users upon effective date of categorical pretreatment standard --- baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (i) - (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (i) through (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

(i) Identifying information. The user shall submit the name and address of the facility, including the name of the operators and owners;

(ii) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(iii) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(iv) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula as shown in Tennessee Rule 0400-40-14.06(5). (See subsection (v)(D) of this section.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

(B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

(C) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section;

(D) 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 of Tennessee Rule 0400-40-14.06(5) in order 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;

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto. Where 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

(F) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(G) 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.

(vi) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Tennessee Rule 0400-40-14-.12(12)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(vii) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(A) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (as shown in Tennessee Rule 0400-40-14-.07), the combined wastestream formula (as shown in Tennessee Rule 0400-40-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 0400-40-14-.13) at the time the user submits the report required by paragraph (a) of this rule, the information required by subsections (vi) and (vii) of this section shall pertain to the modified limits.

(B) If the categorical pretreatment standard is modified by a removal allowance (as shown in Tennessee Rule 0400-40-14.07), the combined wastestream formula (as shown in Tennessee Rule 0400-40-14-.06(5)), and/or a fundamentally different factors variance (as shown in Tennessee Rule 0400-40-14-.13) after the user submits the report required by paragraph (a) of this rule, any necessary amendments to the information requested by subsections (vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(viii) Compliance schedule for meeting categorical Pretreatment Standards. The following conditions shall apply to the schedule required by subparagraph (2)(g) of Tennessee Rule 0400-40-14-.12:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the

construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

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

~~(B)~~(C) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

~~(vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.~~

- (5) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the pretreatment coordinator by the end of the months of March and September, or according to permit requirements, unless required more frequently in the pretreatment standard or by the pretreatment coordinator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. In accordance with 40 C.F.R. 403.12 ~~(g)(2)~~ (e)(1), the user's report shall contain a record of the measured or estimated average daily flows for the reporting period.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the pretreatment coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the pretreatment coordinator may agree to alter the months during which the above reports are to be submitted.

(b) The pretreatment coordinator may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the pretreatment coordinator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the

pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the Act and contained in 40 C.F.R. part 136, and amendments thereto. Sampling shall be performed in accordance with the sampling requirements as outlined in Tennessee **Rule 0400-40-14-.12(7)(c) and (d).**

(6) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analysis were performed;
- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the pretreatment coordinator, Director of the Division of ~~Water Pollution Control~~ Water Resources, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency.

(7) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(8) New sources. New sources of discharges to the POTW shall have in full operation all pollution control equipment at start-up of the industrial process and be in full compliance with effluent standards within ninety (90) days of start-up of the industrial process or such other time frame as established by the system manager.

(9) Reporting violations. If sampling performed by the industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and

analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

- (a) The control authority performs sampling at the industrial user at a frequency of at least once per month; or
- (b) The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

(10) Slug discharges. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 0400-40-14-.05(2), with procedures for follow-up written notification within five (5) days;
- (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(11) Significant noncompliance. Comply with the public participation requirements of 40 C.F.R. part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates subsections (c), (d) or (h) of this section) is in significant noncompliance if its violation meets one (1) or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 0400-40-05_0400-40-14-.03;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant

parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by ~~0400-40-05~~ 0400-40-14-.03 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule;

(c) Any other violation of a pretreatment standard or requirement as defined by 0400-40-14-.03 that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under ~~subpart Tennessee Rule 0400-40-14-.08~~(6)(a)6(ii) ~~of this rule~~ to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; and/or

(h) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

- (12) Periodic reports on continued compliance. (a) Any industrial user subject to a categorical pretreatment standard (except a non-significant categorical industrial user as defined in subparagraph (b) in the definition of "Significant Industrial User" as shown in Tennessee Rule ~~0400-40-14-.03~~(1)), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Tennessee Rule ~~0400-40-14-.12~~(2)(d) except that the control authority may require more detailed reporting of flows. In cases where the pretreatment standard

requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are submitted.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(i) The control authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five (5) years. The user must submit a new request for waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with subsection (a) of this section, and include the certification statement in Tennessee Rule 0400-40-14-~~06~~(b)2. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the control authority must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three (3) years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the user's control mechanism by the control authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial

user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. (specify applicable National Pretreatment Standard part(s)), I certify that, to the best of my knowledge and belief, there has been no increase in the level of (list pollutant(s) in the wastewaters due to the activities at the facility since filing of the last periodic report under Tennessee Rule 0400-40-14-.12(5)(a)).

(vi) In the event a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of subsection (a) of this section or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

(vii) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(c) Where the control authority has imposed mass limitations on industrial users as provided for by Tennessee Rule 0400-40-14-.06(3), the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(d) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 0400-40-14-.06(3), the report required by subsection (a) of this section shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) of this section shall include the user's actual average production rate for the reporting period.

(13) Monitoring and analysis, violations and repeat sampling and analysis. (a) If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

a. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

b. The control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling.

c. If an Industrial User subject to the reporting requirement in Tennessee

Rule 0400-40-14-.12(5) or (8) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in subparagraph (e) of this paragraph, the results of this monitoring shall be included in the report.

(14) Monitoring and analysis to demonstrate continued compliance. The reports required in paragraphs (2), (4), (5), and (8) as shown in Tennessee Rule 0400-40-14-.12 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(15) Specifying the number of grab samples required by control authority. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in paragraphs (2) and (4) of Tennessee Rule 0400-40-14-.12, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by paragraphs (5) and (8) of Tennessee Rule 0400-40-14-.12, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(16) Significant industrial users must submit documentation to show compliance with best management practices, reporting requirements for industrial users not subject to categorical pretreatment standards. The control authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the control authority at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the control

authority to determine the compliance status of the user. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 C.F.R. part 136 and amendments thereto. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user.

(17) Signatory requirements for industrial user reports. The reports required by Tennessee Rule 0400-40-14-.12, paragraphs (2), (4), and (5) shall include the certification statement as set forth in 0400-40-14-.06(1)(b)2, and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by Tennessee Rule 0400-40-14-.12, paragraphs (2), (4), and (5) is a corporation. For the purpose of this section, a responsible corporate officer means:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required by Tennessee Rule 0400-40-14-.12, paragraphs (2), (4), and (5) is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subparagraph ~~(16)~~(17)(c) of this rule is no

longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph ~~(16)~~(17)(c) of this rule must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(18) Documentation associated with best management practices must be retained for at least three (3) years. The following recordkeeping requirements apply: any industrial user or POTW subject to the reporting requirements established in this rule (including documentation associated with best management practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by the director and the regional administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director or the regional administrator.

a. Notification of changed discharge. All industrial users shall promptly notify the control authority (the POTW) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Tennessee Rule 0400-40-14-.12(6).

b. The industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 0400-12-01.

i. Such notification must include the name of the hazardous waste as set forth in Tennessee Rule 0400-12-01, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Tennessee Rule 0400-40-14-.12(10). The notification requirement in this rule does

not apply to pollutants already reported under the self-monitoring requirements of Tennessee Rule 0400-40-14-.12 (2), (4), and (5).

ii. Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tennessee Rule 0400-12-01-.02. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Tennessee Rule 0400-12-01-.02, requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

iii. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and state (TDEC) hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

iv. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-210. Enforcement and abatement. (1) Complaints; notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the pretreatment program of the City of Mount Pleasant or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-210(2), no later than thirty (30) days after the date such order is served; provided, that the

local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon said user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the pretreatment coordinator. Submission of this 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 the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

- (b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders shall not be prerequisite to taking any other action against the user.

(A) Compliance order. 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 specified time stated, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also 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 federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take such remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the

order.

(D) Emergency order. Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the local administrative officer deems necessary to meet the emergency.

(E) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take such emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the local administrative officer in meeting the emergency.

(ii) Appeals from orders of the local administrative officer. (A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of such order, setting forth in detail the facts supporting the user's request for reconsideration.

(F) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(G) Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this section may be served on any person affected thereby personally, by the local administrative officer or any person designated by the local administrative officer, or such service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the

petitioner agree to a postponement;

(ii) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting in order to conduct the hearing herein provided;

(iii) A verbatim record of the proceedings of such hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subsection (a)(vi). The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of the county in which the pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require, and any failure to obey such order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chair;

(vii) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (b); and

(viii) Any person to whom an emergency order is directed pursuant to § 18-210(1) shall comply therewith immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to

the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user which causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations--civil penalty. See the attached Enforcement Response Guide for specific penalties and fines for twenty-eight (28) types of noncompliance. The Enforcement Response Guide consists of nine (9) pages including the cover sheet. The Enforcement Response Guide is incorporated herein as if copied verbatim as Schedule C. Said Enforcement Response Guide may be revised from time to time by appropriate ordinance or resolution adopted by the city.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

- (A) Violates an effluent standard or limitation;
- (B) Violates the terms or conditions of a permit;
- (C) Fails to complete a filing requirement;
- (D) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (E) Fails to pay user or cost recovery charges;
- (F) Violates a final determination or order of the local hearing authority or the local administrative officer;
- (G) Falsifies information; or
- (H) Tampered with or knowingly renders inaccurate monitoring devices.

(ii) Any civil penalty shall be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty, the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred in the name of

the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations. See Enforcement Response Guide, Schedule C.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(3) Violations--criminal penalty. (a) In addition, and supplemental to any other remedy provided herein, the city or its authorized representative may seek criminal penalties for a violation of the provisions of this chapter in a court of appropriate jurisdiction. Any violation subject to the jurisdiction of the City Court of the City of Mount Pleasant shall be cited into city court and upon conviction be subject to a fine of ~~fifty dollars (\$50.00)~~ **at least one thousand dollars (\$1,000)** per day for each day of violation per Tennessee Rule 0400-40-14-.08(6)(a)(6)(i), and as to any prosecution sought in the general sessions or circuit court, such violator upon conviction shall be subject to such penalty as may be provided by law.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(5) 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 such action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-208(2)(h) of this chapter, any user that violates the following conditions, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- (a) Violation of 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.
- (e) Violation of the pretreatment standards in the general discharge prohibitions in § 18-207 of this chapter.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-211. Fees and billing.

(1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to: Attached hereto and incorporated herein as Schedule B is a list of fees and charges of the city related to wastewater. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

18-212. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city. (Ord. #2006-865, Oct. 2006, as replaced by Ord. #2010-917, Oct. 2010)

Section 2. That the Enforcement Response Plan (ERP) attached hereto as **Exhibit A** is approved.

Section 3. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 4. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPHRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

ORDINANCE 2026-1143

AN ORDINANCE ESTABLISHING A STORMWATER MANGEMENT PROGRAM FOR THE CITY OF MOUNT PLEASANT

WHEREAS, the City of Mount Pleasant desires to establish a stormwater management ordinance to support and exercise general regulation over the stormwater; and,

WHEREAS, the purpose of the stormwater management ordinance is to grant the City the authority to exercise the management powers granted in Tennessee Code Annotated § 68-221-1105; and,

WHEREAS, stormwater management protects the public health and is in the best interests of the City of Mount Pleasant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That, the Board of Commissioners of the City of Mount Pleasant, pursuant to Tennessee Code Annotated § 68-221-1105, does hereby adopt the following Title 18, Chapter 7, Stormwater Management, Sections 18-701 through 18-710, Stormwater Utility Ordinance:

CHAPTER 7

STORMWATER MAINTENANCE ORDINANCE

SECTION

- 18-701 General provisions.
- 18-702 Definitions.
- 18-703 Construction Stormwater Management and Land Disturbance Permit Requirements
- 18-704 Permanent Stormwater Management: Design Requirements.
- 18-705 Permanent Stormwater Control Measure (SCM) maintenance and inspection.
- 18-706 Permanent Stormwater Control Measure (SCM): new development, existing locations and ongoing developments.
- 18-707 Illicit discharges.
- 18-708 Enforcement.
- 18-709 Penalties.
- 18-710 Appeals.

18-701. General provisions

1. Purpose. It is the purpose of this chapter to:
 - a. Protect, maintain, and enhance the environment of the City and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City’s stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City;
 - b. Allow the City to exercise the powers granted in Tennessee Code Annotated § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
 - iv. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

- iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
- iv. Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
- v. Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
- vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
- vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

2. Administering entity. The City shall administer the provisions of this chapter.

3. Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering tool for permit compliance and to facilitate the necessary control of stormwater.

18-702. Definitions.

For the purpose of this chapter/title, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

1. Administrative or Civil Penalties - Under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

2. Analytical Monitoring - Test Procedures for the Analysis of Pollutants - Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required. Pollutant parameters shall be determined using sufficiently sensitive methods in Title 40 C.F.R. § 136, as amended, and promulgated pursuant to Section 304 (h) of the Act. The chosen methods must be sufficiently sensitive as required in state rule 0400-40-03-.05(8).

3. Aquatic Resource Alteration Permit (ARAP) - Physical alterations to properties of the Waters of the State require an ARAP or a §401 Water Quality Certification (§401 certification). ARAP means a permit issued pursuant to T.C.A. § 69-3-108 of the Act, which authorizes the alteration of properties of waters of the state that result from activities other than discharges of wastewater through a pipe, ditch, or other conveyance.

4. As built plans (record drawings) mean drawings depicting conditions as they were actually constructed.

5. Best Management Practices (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff.

- Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.
- Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

6. Borrow Pit is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity.

7. Buffer Zone is a permanent strip of natural perennial vegetation, adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing risk of any potential sediments, nutrients or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

8. Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

9. City means the City of Mount Pleasant, Tennessee.

10. Clearing refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities. Clearing, grading, and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams, or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

11. Commencement of construction is the initial disturbance of soils associated with clearing, grading, excavating or other construction activities.

12. Common plan of development or sale is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

13. Control measure refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

14. Design storm is a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 1-yr, 2-yr, 5-yr, 25-yr, etc.,) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the NOAA National Weather Service Atlas 14 data for Tennessee: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html. The 2-yr, 5-yr, 10-yr, 25-yr,

50-yr, and 100-yr design storm events shall be analyzed for proposed projects within the City of Mount Pleasant.

15. Discharge or discharge of a pollutant refers to the addition of pollutants to waters from a source.

16. Disturbed Area means the total area presented as part of the development (and/or of a larger common plan of development) subject to being cleared, graded, grubbed, filled or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities or in the construction of roadways, sewers, drainfields, and water utilities, stormwater drainage structures, etc., to make the property marketable.

17. Exceptional Tennessee Waters are surface waters designated by the Tennessee Department of Environment and Conservation as having the characteristics set forth at Tennessee Rules, Chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.

18. Improved sinkhole is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program of the Tennessee Department of Environment and Conservation. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures and crevices, such as those commonly associated with weathering of limestone. More information regarding an Underground Injection Control Permit can be found on TDEC's DWR webpage at <https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/underground-injection-control-permit.html>

19. Inspector means a Person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around Waters of the State;
- Updated field SWPPP's;
- Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

20. Level 1 - Fundamentals of Erosion Prevention and Sediment Control training and certification program administered by University of Tennessee Water Resources Research Center (<https://tnepsc.org/index.asp>).

21. Level 2 - Design Principles for Erosion Prevention and Sediment Control for Construction Sites training and certification program administered by University of Tennessee Water Resources Research Center (<https://tnepsc.org/index.asp>).

22. Linear Project is a land disturbing activity as conducted by an underground/overhead utility or highway department, including, but not limited to, any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities

include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and commercial subdivisions or high-rise structures is not considered a linear project.

23. Maintenance Agreement or Long Term Maintenance Agreement means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practice.

24. Monitoring refers to tracking or measuring activities, progress, results, etc., and can refer to non-analytical monitoring for pollutants by means other than 40 C.F.R. § 136 (and other than state- or federally established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.

25. Municipal Separate Storm Sewer System (MS4) includes the conveyances owned or operated by the City for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system. For the purposes of this ordinance, MS4 does not refer to a TDEC regulated MS4 as defined in 40 C.F.R. § 122.26(b)(16) as the City of Mount Pleasant does not meet those criteria.

26. Municipality means any incorporated city or town, county, metropolitan or consolidated government, or special district of this state empowered to provide stormwater facilities.

27. Owner/Operator means any person who owns, leases, operates, controls, or supervises a source. Including, but not limited to, an owner or operator of any “facility or activity” subject to regulation under this ordinance and permittee of the Land Disturbance Permit.

28. Peak Flow means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

29. Permanent Stabilization means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

- A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.
- Equivalent permanent stabilization measures such as the use of riprap; permanent geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed.
- For construction projects on land used for agricultural or silvicultural purposes, permanent stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

30. Point source (or Outfall) means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, forest lands or return flows from irrigated agriculture or agricultural stormwater runoff. In short, outfall is a point where runoff leaves the site as a concentrated flow in a discrete conveyance.

31. Pollutant means sewage, industrial wastes, or other wastes.

32. Priority Area means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

- a. Vehicle salvage yards and recycling facilities
- b. Vehicle service and maintenance facilities
- c. Vehicle and equipment cleaning facilities
- d. Fleet storage areas (bus, truck, etc.)
- e. Industrial sites (included on Standard Industrial Classification code list)
- f. Marinas (service and maintenance)
- g. Public works storage areas
- h. Facilities that generate or store hazardous waste materials
- i. Commercial container nursery
- j. Restaurants and food service facilities
- k. Other land uses and activities as designated by an appropriate review authority.

33. Priority construction means those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

34. Registered Engineer and Registered Landscape Architect An engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

35. Riparian Buffer see “Buffer Zone”.

36. Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is not absorbed by the surface to the total amount of water that falls during a rainstorm.

37. Sediment means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported; or has been moved from the site of origin by wind, water, gravity or ice as a product of erosion.

38. Sediment basin A temporary basin consisting of an embankment constructed across a wet weather conveyance, an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, impoundment, permanent pool, primary spillway, secondary or emergency spillway and surface dewatering device. The size and shape of the basin depend on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., waters with unavailable parameters for siltation, Exceptional TN Waters).

39. Sedimentation means the action or process of forming or depositing sediment.

40. Significant Contributor is defined as a source of pollutants where the volume, concentration, or mass of a pollutant in a stormwater discharge can cause or threaten to cause pollution, contamination, or nuisance that adversely impact human health or the environment and cause or contribute to a violation of any applicable water quality standards for receiving water.

41. Soil or Topsoil means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

42. Steep Slope or Steep Grade means a natural or created slope of 35% grade or greater.

43. Stormwater means rainfall runoff, snow melt runoff, and surface runoff and drainage.
44. Stormwater control measure (SCM) means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.
45. Stormwater associated with industrial activity is defined in 40 C.F.R. 122.26(b)(14) and incorporated here by reference. Most relevant to the City is 40 C.F.R. 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities, including borrow pits containing erodible material. Disturbance of soil for the purpose of crop production is exempt from NPDES permit requirements, but stormwater discharges from agriculture-related activities that involve construction of structures (e.g., barn construction, road construction, pond construction) are considered associated with industrial (construction) activity. Maintenance to the original line and grade, hydraulic capacity; or to the original purpose of the facility (e.g., re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair and repaving of an existing road) is not considered a construction activity.
46. Construction Stormwater discharge-related activities means activities that cause, contribute to or result in point source stormwater pollutant discharges. These activities may include excavation, site development, grading and other surface disturbance activities; and activities to control stormwater including the siting, construction and operation of best management practices (BMPs).
47. Stormwater management facilities means drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
48. Stormwater management feature means any feature, facility, area, or infrastructure that is designed for stormwater use that carries, captures, controls, conveys, directs, dissipates, discharges, treats, detains, retains, infiltrates, stores, settles or evapotranspires stormwater. Also known as, but not limited to, a Best Management Practice (BMP), stormwater management area, stormwater management feature, stormwater management facility, Least Impact Development practice or features (LID), or Green Infrastructure (GI).
49. Stormwater management plan means a set of drawings and other documents that comprise all the information and specifications of the programs, drainage systems, structures, SCMs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
50. Stormwater Pollution Prevention Plan (SWPPP) is a written site-specific plan required by the Tennessee Construction General Permit (CGP) that includes a narrative pollution prevention plan and graphical erosion and sediment control plan. In its basic form, the plan contains a site map, a description of construction activities that could introduce pollutants to stormwater runoff, a description of measures or practices to control these pollutants, and erosion and sediment control plans and specifications. The SWPPP should be prepared in accordance with the Tennessee Erosion Prevention and Sediment Control Handbook (latest edition).
51. Stream as defined by TCA 69-3-103(38) “stream” means a surface water that is not a wet weather conveyance.
52. Take of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.
53. TDEC refers to the Tennessee Department of Environmental Conservation.
54. Tennessee Erosion Prevention and Sediment Control Handbook is guidance issued by the Division of Water Resources for the purpose of developing Stormwater

Pollution Prevention Plans and Erosion and Sediment Control Plans required by the Construction General Permit CGP.

55. Temporary stabilization is achieved when vegetation or non-erodible surface has been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease.

56. Waste site is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

57. Waters (or waters of the state) means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

58. Waters with unavailable parameters means any segment of surface waters that has been identified by the TDEC as failing to support one or more classified uses. Unavailable parameters exist where water quality is at, or fails to meet, the levels specified in water quality criteria in Rule 0400-40-03-.03, even if caused by natural conditions. In the case of a criterion that is a single response variable or is derived from measurement of multiple response variables, the unavailable parameters shall be the agents causing water quality to be at or failing to meet the levels specified in criteria. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (<https://tdeconline.tn.gov/dwr/>), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at <https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html>.

59. Water quality riparian buffer see “Buffer Zone”.

60. Wet weather conveyances are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:

- The conveyance carries flow only in direct response to precipitation runoff in its immediate locality;
- The conveyance’s channels are at all times above the groundwater table;
- The flow carried by the conveyance is not suitable for drinking water supplies; and
- Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Tennessee Rules, Chapter 0400-40-3-.04(3)).

18-703. Construction Stormwater Management And Land Disturbance Permit Requirements

1. Stormwater Construction BMP Manual.

a. Adoption. The City adopts as its stormwater construction BMP manual(s) the following publication(s), which is incorporated by reference in this ordinance as if fully set out herein:

- i. Tennessee Permanent Stormwater Management and Design Guidance Manual (most current edition) – for permanent purposes;
- ii. Tennessee Erosion Prevention and Sediment Control Handbook (most current edition) – for temporary purposes.

2. Exceptional Tennessee Waters. The municipality has adopted, for use in designing EPSC measures, the design storm requirements from the current Tennessee

Construction General Permit for all waters as well as special conditions for unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters (ETWs).

3. Development or redevelopment. This section shall be applicable to all land development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and land disturbance permit (LDP) applications. These standards apply to any new development or redevelopment sites according to Table 1 below:

Total Disturbed Area	LDP Required?	City forms/checklists to complete	Stormwater Management Plan Required?	CGP Coverage Required?
Less than 10,000 ft ²	No, except see Section 18-703 (3)(a)	None	No	No, unless part of a larger common plan of development or sale
10,000 ft ² – 0.99 acre	Yes	Application and Checklists	Yes; See Checklists	No, unless part of a larger common plan of development or sale
1 acre or greater or part of a larger common plan of development or sale	Yes	Application and Checklists	Yes; See Checklists	Yes

- a. Projects of less than 10,000 ft² of total land disturbance may also be required to obtain authorization under this ordinance if:
 - i. the City has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard; or is likely to be a significant contributor of pollutants to water of the state,
 - ii. changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;
 - iii. any new development or redevelopment, regardless of size, that is defined by the City to be a priority area; or
 - iv. the minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, (see “common plan of development” definition).
 - v. The creation and use of borrow pits, that are not permitted under the Tennessee Multi Sector Permit (TMSP), where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increased elevation or grade.
 - vi. As determined by the City for single or duplex residential lots of any size, lots that have karst features, adjoining lakes or streams, slopes exceeding fifteen percent (15%), floodplains or streams to cross are required to submit an erosion control and stormwater management plan.
 - vii. Land disturbance activities within the floodplain, floodway, or flood-prone area require a permit and shall provide evidence of obtaining appropriate licenses/permits that may be required by federal or state laws and regulations or written waiver from such permits and licenses prior to the issuance of a land disturbance permit by the City.
 - viii. A permit may also be required for other comparable activities as determined by the City.

4. Land disturbance Permit. Persons seeking the issuance of any land disturbance permit must provide proof of coverage under the Tennessee Construction

General Permit (CGP) (if applicable) when requested; and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the City when requested.

- a. Copies of additional applicable local, state or federal permits (i.e.: ARAP, approved hydrologic determination, etc.) must also be provided to the City.
 - b. The City has the authority to withhold local permits prior to receiving copies of the aforementioned permits.
 - c. In circumstances where no such permits have been required, the City may still require a SWPPP as part of the land disturbance permit application.
5. Building Permit. No building permit shall be issued until the applicant has first obtained a land disturbance permit where required by this ordinance.
6. Permit Duration – Every LDP shall expire and become null and void if substantial progress authorized by such permit has not been completed within any six (6) month period following the issuance. Permit extension requests may be made in writing to the City.
7. Changes to Approved LDP Plans. The permittee must submit revised plans to the City for review and approval if changes are proposed to the originally City Approved plans. The revised plans must be submitted prior to changes being implemented in the field.
8. Construction site operators are required to do the following:
- a. implement appropriate erosion prevention and sediment control measures and best management practices. EPSC requirements shall meet the Tennessee’s CGP design storm(s), be consistent with the Tennessee Erosion Prevention and Sediment Control Handbook best management practices and with the requirements of this ordinance.
 - b. minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater.
9. Site Assessments. Where site assessments are required by the CGP, the operator/permittee shall provide a copy of the assessment to the City.
10. Inspections and Maintenance.
- a. Right of Entry.
 - i. The City may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), or via any other private or public stormwater management facility and/or SCM during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.
 - ii. Where a property, site, or facility has security measures in place that require proper identification and clearance before entry into its premises, the operator/permittee shall make necessary arrangement with its security personnel so that, upon presentation of suitable identification, the City of Mount Pleasant will be permitted to enter without delay for the purposes of performing specific responsibilities as it relates to the provisions of this ordinance.
 - b. LDP EPSC inspections. The LDP permittee shall perform routine inspections as follows:
 - i. Inspections shall be documented and the permittee shall maintain records of the documented inspections on site (or other location accessible to the City).

- ii. All erosion prevention and sediment control (EPSC) measures shall be inspected to verify and document the functionality and performance of the measures.
- c. All EPSC measures shall be maintained by the LDP permittee to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.

11. Landscaping and stabilization requirements.

- a. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. For areas of steep slopes, stabilization must be completed not later than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:
 - i. where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - ii. where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days.
- b. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.
- c. The following criteria shall apply to revegetation efforts:
 - i. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
 - ii. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - iii. Any area of revegetation must exhibit survival of a minimum of seventy percent (70%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) survival for one (1) year is achieved.
 - iv. Prior to receiving an occupation permit, permanent stabilization must be established over the entire site.

12. Notice of Termination (NOT). When applicable, the permittee shall provide the City with a copy of the NOT when it is issued by TDEC.

13. As built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a registered professional engineer licensed to practice in Tennessee. For further as-built drawings requirements, refer to 18-705 of this ordinance.

18-704. Permanent Stormwater Management: Design Requirements

1. The City has adopted, for use in designing Stormwater Control Measures, construction design storm events. The construction design storm events adopted by the City are as follows: 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour, storm events.
2. Requirements for design storm for all waters as well as special conditions for unavailable parameters waters or exceptional Tennessee waters must be consistent with those of the current Tennessee Construction General Permit (TNR100000).
3. Additional requirements for infiltration-based SCMs are as follows:
 - i. Infiltration testing shall be required for all infiltration-based SCMs;
 - ii. The project designer shall select the appropriate infiltration testing methodology, such as those provided within Appendix A of the Tennessee Permanent Stormwater Management and Design Guidance Manual; and
 - iii. At a minimum, testing shall identify a minimum 2-foot separation from bedrock and the seasonal high-water table from the invert of the infiltration-based SCM(s).
4. SCMs must be designed to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the new development or redevelopment project. The designer may select from the most appropriate alternatives listed in the City's BMP Manual for permanent purposes.
5. Minimum volume control requirements. In accordance with 18-701(1)(b)(iii) the City of Mount Pleasant establishes the following standards to regulate the quantity of stormwater discharged, therefore:
 - a. All site designs requiring a stormwater management plan or as otherwise required by the City of Mount Pleasant shall control the peak flow rates of stormwater discharge associated with design storms specified in 18-704(1) of this ordinance and reduce the generation of post construction (or permanent) stormwater runoff to pre-development levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to attenuate stormwater quantity.
 - b. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the Mount Pleasant LDP-Application Packet
 - c. Stormwater designs shall consider the pre-developed flow conditions (i.e. sheet flow, concentrated flow) and attempt to mimic these flow conditions in the post-developed condition to avoid adverse downstream impacts.
 - d. The calculations methods required for determining peak flows as found in the Mount Pleasant LDP-Application Packet shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Mount Pleasant's engineering consultant's review for appropriateness.
 - e. The maximum distance that a roof downspout may extend perpendicularly from a structure is ten (10) feet. Up to three separate roof downspouts may be collected into a single collector pipe to be discharged the maximum perpendicular distance of ten (10) feet from the structure. A maximum ten (10) feet of roof drainage piping may be buried before the pipe outlets. Alternatively, a plan prepared by a Tennessee registered professional engineer or landscape architect that does not meet the requirements of this section but otherwise complies with the requirements of a LDP may be accepted subject to the City of Mount Pleasant's engineering consultant's review for appropriateness.

- f. Exception to the minimum volume control requirements: If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Mount Pleasant may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

6. Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Mount Pleasant to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The permanent stormwater management plan must be prepared by a professional engineer or landscape architect registered in the State of Tennessee.

7. Long-Term Maintenance and repair plan requirements. The design and planning of all permanent stormwater management facilities shall include detailed inspection and maintenance procedures to ensure the performance standards of this ordinance. These plans will identify the parts or components of a stormwater management facility and/or SCM(s) that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

18-705. Permanent Stormwater Control Measure (SCM): Operation, Maintenance and Inspection

1. As built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a Tennessee registered professional engineer, landscape architect or land surveyor. The drawing(s) shall include at the minimum the following:

- i. Location map of SCM(s) within project site;
- ii. An engineer's certification letter certifying that the as-built conditions conform to the approved design plans and specifications;
- iii. Description of any variations from the approved design plans and specifications, if any;
- iv. A brief description of the type of SCM(s) and basic design characteristics;
- v. As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.;
- vi. The property owner contact information;
- vii. Inspection schedule(s);
- viii. A brief description of or reference to maintenance procedures and frequency; and
- ix. Photographs of the installed SCM(s).
- x. A final inspection by the City of Mount Pleasant is required before occupation permits will be granted. Occupation permits shall not be granted until corrections to all SCMs have been made and accepted by the City of Mount Pleasant.
- xi. In addition to the certified as built drawings, the City shall be provided with a Long Term Maintenance Plan (LTMP) for the site and all stormwater management facilities (e.g., SCM's). Occupation permits shall not be granted until the LTMP has been approved and accepted by the City.

2. SCM Inspection Requirements.

- i. Routine inspection of all SCMs and/or stormwater management facilities shall be performed by the property owner or qualified professional on a minimum

annual basis or as specified in the Long-Term Maintenance Plan (LTMP).

- ii. Inspection records shall be submitted annually to the City by July 1st.

3. Records of installation and maintenance activities. Property owners responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

4. Failure to meet or maintain design or maintenance standards. If a LDP permittee or property owner fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the LDP permittee or property owner shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this section shall be charged to the property owner.

18-706. Permanent Stormwater Control Measure (SCM): Existing Locations, and Ongoing Developments

1. On-site stormwater management facilities inspection and maintenance agreement

- a. Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.
- b. The maintenance agreement shall:
 - i. Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. The owner(s) covenant and agree with the City that they shall provide for adequate long-term maintenance and continuation of stormwater control measures to ensure that all of the stormwater facilities are and remain in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws.

The owner(s) shall submit to the City an annual report by July 1st of each year. The report shall include the long-term maintenance plan (LTMP) that documents inspection schedules, time of inspections, remedial actions taken to repair, modify or re-construct the system and the state of control measures.

- ii. Provide that the minimum maintenance and repair needs include but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional

maintenance and repair needed to meet the intended design specification of the stormwater facility.

- iii. Provide that if the property is not maintained or repaired within the prescribed schedule, the City shall perform the maintenance and repair at its expense and bill the same to the property owner. The maintenance agreement shall also provide that the City's cost of performing the maintenance shall be a lien against the property.

2. Existing problem locations – no maintenance agreement.

- a. The City shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit discharges.
- b. Inspection of existing facilities. The City may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SCM's.

3. Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

- a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the City's BMP Manual for temporary purposes and on a schedule acceptable to the City.
- b. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- c. Drainage ways shall be appropriately stabilized.
- d. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- e. Stormwater runoff shall, at the discretion of the City, be treated to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
 - i. Ponds
 - a) Detention pond
 - b) Extended detention pond
 - c) Wet pond
 - d) Alternative storage measures
 - ii. Constructed wetlands
 - iii. Infiltration systems
 - a) Infiltration/percolation trench
 - b) Infiltration basin
 - c) Drainage/recharge well
 - d) Porous pavement

- iv. Filtering systems
 - a) Media Filter
 - b) Sand filter
 - c) Filter/absorption bed
 - d) Filter and buffer strips
- iv. Open channel
 - a) Swale

4. Corrections of problems subject to appeal. Corrective measures imposed by the City under this section are subject to appeal under section 18-710 of this ordinance.

18-707. Illicit Discharges

1. Scope. This section shall apply to all water generated on developed or undeveloped land entering the City’s separate storm sewer system.

2. Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with section 18-705. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- a. Water line flushing or other potable water sources
- b. Landscape irrigation or lawn watering with potable water
- c. Diverted stream flows
- d. Rising ground waters
- e. Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- f. Uncontaminated pumped ground water
- g. Discharges from potable water sources
- h. Air conditioning condensation
- i. Irrigation water
- j. Springs
- k. Water from crawl space pumps
- j. Footing (foundation)drains
- m. Individual residential car washing
- n. Natural riparian habitat and wetlands flows
- o. Dechlorinated swimming pool discharges (desalinated for salt water pools)
- p. Street wash water with no soaps or solvents
- q. Discharges or flows from firefighting activities

Unless the City determines they are significant contributors of pollutants to the MS4.

3. Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

4. Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person’s expense, the BMP’s necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit

authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be prohibited.

5. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

6. No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City. Such illegal activity exposes runoff to contamination, generating an illicit discharge. Therefore, any individual or corporation guilty of illegal dumping may have committed a violation of this ordinance.

7. Priority areas. The administrator is authorized to regulate priority areas. Upon written notification by the administrator, the property owner or designated facility manager of a priority area shall, at their expense, implement necessary controls and/or best management practices to prevent discharge of contaminated stormwater to the municipal separate storm sewer system. The administrator may require the facility to maintain inspection logs or other records to document compliance with this paragraph.

18-708. Enforcement

1. Enforcement authority. The City shall have the authority to issue notices of violation and citations, and to impose civil penalties to anyone that violates this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City, the City's enforcement authority includes:

- a. Verbal Warnings – At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
- b. Written Notices – Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
- c. Citations with Administrative Penalties – The City has the authority to assess monetary penalties, which may include civil and administrative penalties.
- d. Stop Work Orders – Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
- e. Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the City's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
- f. Additional Measures – The City may also use other escalated measures provided under local legal authorities. The City may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate

- manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.
- g. TDEC Notification - If, in addition to the City's permit, a TDEC permit was required but was not obtained, the violator will also be reported to TDEC.

2. Notification of violation:

- a. Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.
- b. Written notice. Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- c. Consent orders. The City is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
- d. Show cause hearing. The City may order any person who violates this ordinance or permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- e. Compliance order. When the City finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- f. Cease and desist and stop work orders. When the City finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:
- i. Comply forthwith; or
 - ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.
- g. Suspension, revocation or modification of permit. The City may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. A suspended, revoked or modified permit may be reinstated after the applicant or other

responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- h. Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual(s) adopted by the City under this ordinance, the strictest standard shall prevail.

18-709. Penalties

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

2. Penalties. Under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

3. Measuring civil penalties. In assessing a civil penalty, the City shall consider:

- a. The harm done to the public health or the environment;
- b. The duration and gravity of the violation(s);
- c. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- d. The economic benefit gained by the violator;
- e. The amount of effort put forth by the violator to remedy this violation;
- f. Whether the violation(s) was committed intentionally;
- g. The prior record of the violator in complying or failing to comply with the stormwater management program;
- h. Any unusual or extraordinary enforcement costs incurred by the City; The amount of penalty established by ordinance or resolution for specific categories of violations; and
- i. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

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

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

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

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

18-710. Appeals

Pursuant to Tennessee Code Annotated § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the City’s governing body.

1. Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

2. Public hearing. Upon receipt of an appeal, the City’s governing body, or other appeals board established by the City’s governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days’ notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the City shall be final.

3. Appealing decisions of the City’s governing body. Any alleged violator may appeal a decision of the City’s governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 5.

Section 2. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 3. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

ORDINANCE 2026-1142

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY FOR THE CITY OF MOUNT PLEASANT

WHEREAS, the City of Mount Pleasant desires to establish a stormwater utility and to establish a graduated stormwater user's fee which will be assessed and collected from each user of the stormwater utility provided by the municipality;

WHEREAS, and a stormwater utility will provide for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters of the state; and,

WHEREAS, it is in the best interests of the City of Mount Pleasant to establish the stormwater utility and user fee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That, the Board of Commissioners of the City of Mount Pleasant, pursuant to Tennessee Code Annotated Section 68-221-1101, does hereby adopt the following Title 18, Chapter 6, Stormwater Utility, Sections 18-601 through 18-614, Stormwater Utility Ordinance:

CHAPTER 6

STORMWATER UTILITY ORDINANCE

SECTION

- 18-601 Legislative findings and policy.
- 18-602 Creation of stormwater utility.
- 18-603 Definitions.
- 18-604 Funding of stormwater utility.
- 18-605 Stormwater fund.
- 18-606 Operating Budget
- 18-607 Stormwater user's fee established
- 18-608 Equivalent residential unit (ERU).
- 18-609 Property classification for stormwater user's fee
- 18-610 Base rate
- 18-611 Adjustments to stormwater user's fee
- 18-612 Property owners to pay charges.
- 18-613 Billing procedure and penalties for late payment.
- 18-614 Appeal of fees

18-601. Legislative findings and policy. The Mayor and Board of the City of Mount Pleasant, Tennessee finds, determines and declares that the stormwater system which provides for the collection, treatment, storage and disposal of stormwater provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the Stormwater Administrator.

18-602. Creation of stormwater utility. For those purposes of Tennessee Code Annotated, § 68-221-1101 *et seq.*, there is created a stormwater utility which shall consist of a manager or director and such staff as the municipality's governing body shall authorize.

The stormwater utility, under the legislative policy, supervision and control of the governing body of the city, shall:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements designated in the capital improvement program;
- (2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;
- (3) Advise the municipality's governing body (Board of Mayor and Commissioners) and other City of Mount Pleasant departments on matters relating to the utility;
- (4) Prepare and revise a comprehensive drainage plan for adoption by the municipality's governing body;
- (5) Review plans and approve or deny, inspect and accept extensions and connections to the system;
- (6) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;
- (7) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility.

18-603. Definitions. For the purpose of this ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

- (1) "Appeal" means a request for review of the Stormwater Administrator's interpretation of any provision of these regulations.
- (2) "Base rate" means the stormwater user's fee for a detached single family residential property in the City of Mount Pleasant.
- (3) "Best Management Practices" or "BMPs" means the physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Mount Pleasant, and that have been incorporated by reference into the Stormwater Management Ordinance as if fully set out therein.
- (4) "Board of Mayor and Commissioners" means the governing body for the City of Mount Pleasant.
- (5) "City" means the City of Mount Pleasant, Tennessee.
- (6) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities;
- (7) "Deficient property" means developed property that does not have adequate stormwater facilities as required by the City of Mount Pleasant minimum drainage requirements for development.
- (8) "Developed property" means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements, or by the alteration of the property that results in a meaningful change in the hydrology of the property.
- (9) "Equivalent residential unit" or "ERU" means the average square footage of a detached single family residential property determined pursuant to this ordinance.
- (11) "Exempt property" means all property outside of the incorporated City Limits, undeveloped property that is not altered from its natural state, cemeteries, City (and county) right of ways, state right of ways, and railroad right of ways.
- (12) "Fee" or "Stormwater user's fee" means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City. The stormwater user's fee is in addition to any other fee that the City of Mount Pleasant has the right to charge under any other rule or

- regulation of the City of Mount Pleasant.
- (13) “Fiscal year” means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.
 - (14) “Impervious surface” means a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
 - (15) “Impervious surface area” means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior faces of the structure, foundations, columns or other means of support or enclosure.
 - (17) “Other Developed Property” means all Developed Property located within the municipal limits of the city other than (i) Single Family Residential Property; and (ii) Exempt Property. For example, Other Developed Property includes but is not limited to commercial properties, industrial properties, institutional properties, apartments, parking lots, hospitals, recreational and cultural facilities, hotels, offices, churches, federal, state and local government properties and multi-use properties. Such property shall also include single family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any multi-family residential structure which contains more than two attached dwelling units is specifically included in this definition.
 - (18) “Property Owner or Owner” means the owner of property subject to the stormwater user fee imposed by this ordinance. See “User”
 - (19) “Cemetery” means all developed property owned or recognized by federal, state and/or local governments and that has been designated by such governmental entity for use as a cemetery.
 - (20) “Person” means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.
 - (21) “Single family residential property” means a developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition. Multi-family residential structures where more than two attached dwelling units are contained within a building or multiple buildings within a complex, for example triplexes and apartment complexes, are not included in this definition.
 - (22) "Stormwater" means stormwater runoff, snow melt runoff, infiltration, and drainage in response to precipitation.
 - (23) "Stormwater Administrator" refers to the person(s) designated by the Board of Mayor and Commissioners
 - (24) “Stormwater Appeal Board” means the City of Mount Pleasant’s Board of Mayor and Commissioners.
 - (25) “Stormwater management” means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.
 - (26) "Stormwater management fund" or “fund” means the fund created by this ordinance to operate, maintain, and improve the City’s stormwater system.
 - (27) “Stormwater system” or “System” means all stormwater facilities, stormwater drainage systems and flood protection systems of the City and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.
 - (28) “Stormwater Utility” means a management structure that is responsible solely and specifically for the stormwater management program and system.
 - (29) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes, reservoirs, ponds, wetlands, marches, and sinkholes.
 - (30) “Undeveloped Property” shall mean property that is in its natural state and has not

been developed; does not have impervious surfaces on it.

- (31) “User” shall mean the owner of record of property subject to the stormwater user fee imposed by this ordinance. See “Owner.”

18-604. Funding of stormwater utility. Funding for the stormwater utility’s activities may include, but not be limited to, the following:

- (1) Stormwater user’s fees.
- (2) Civil penalties and damage assessments imposed for or arising from the violation of the City’s stormwater management ordinance.
- (3) Land disturbance permit and inspection fees.
- (4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21).

To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such city funds as may be determined by the Board of Mayor and Commissioners.

18-605. Stormwater Management Fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a Stormwater Management Fund and used exclusively for the stormwater utility.

18-606. Operating Budget. The Board of Mayor and Commissioners shall adopt, based on a recommendation from the Stormwater Administrator, Public Works Director, and Finance Director, an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service.

18-607. Stormwater User Fee. There shall be imposed on each and every developed property in the City of Mount Pleasant, except exempt property, a stormwater user fee which will be charged monthly, which shall be set from time to time by ordinance, in the fee schedule as adopted by the City of Mount Pleasant, and in the manner and amount prescribed by this ordinance.

The City of Mount Pleasant shall conduct annually recurring reviews of fee rates. Prior to amending user fees, the municipality shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the municipality’s governing body which shall consider the adoption of the fee or its amendment.

18-608. Equivalent residential unit (ERU).

- (1) Establishment. There is established for purposes of calculating the stormwater user fee the equivalent residential unit (ERU).
- (2) Definition. The ERU is the average square footage of impervious area on a detached single family residential property (currently 5,781 square feet).
- (3) Setting the ERU. The ERU shall be set by the Board of Mayor and Commissioners by ordinance.
- (4) Source of ERU. The Board of Mayor and Commissioners shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Board of Mayor and Commissioners shall have the discretion to determine the impervious surface area of other developed property through property tax assessor’s rolls or site examination, mapping information, aerial photographs, and other reliable information.
- (5) Evaluation of ERU. The ERU shall be evaluated by the Stormwater Utility as necessary.

18-609. Property classification for Stormwater User Fees. For purposes of determining the stormwater user fee, all properties in the City of Mount Pleasant are classified into one of the following classes:

- (a) Single family residential property;

- (b) Other developed property;
- (c) Exempt property.

(1) **Single family residential fee.** The Board of Mayor and Commissioners finds that the intensity of development of most parcels of real property in the City of Mount Pleasant classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the City of Mount Pleasant shall be charged a monthly stormwater management fee based on the size of the parcel. The Fee schedule is listed in Table 9.1 Single Family Residential Stormwater Utility Fee Rates.

Table 9.1 Single Family Residential Stormwater Utility Fee Rates

Residential Tiered Rate Table	
<u>Parcel Area</u>	<u>Monthly Fee</u>
≤10,000 sq. ft.	\$3.50
10,000-15,000 sq. ft.	\$5.25
≥ 15,000 sq. ft.	\$7.00

(2) **Other developed property fee.** The monthly fee for other developed property (i.e., non-single-family residential property) in the City of Mount Pleasant shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU. The impervious surface area for other developed property is the square footage for the buildings and other impervious improvements on the property. The fee schedule is listed in Table 9.2 Other Developed Property Stormwater Utility Fee Rates.

Table 9.2 Other Developed Property Stormwater Utility Fee Rates.

Other Developed Property Rate Table	
<u>Impervious Square Footage</u>	<u>Fee</u>
1-25,000	\$15
25,001 - 45,000	\$27
45,001 - 70,000	\$42
70,001 - 100,000	\$61
100,001 - 145,000	\$88
145,001 - 200,000	\$121
200,001 - 275,000	\$166
275,001 - 400,000	\$242
400,001 - 600,000	\$363
600,000 - 900,000	\$545
900,001 - 1,500,000	\$908
1,500,001 - 3,000,000	\$1,816

(3) **Exempt property.** There shall be no stormwater user fee for exempt property.

18-610. Base Rate. The Board of Mayor and Commissioners shall, by ordinance, establish the base rate for the ERU. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the City of Mount Pleasant. To the extent that the stormwater drainage fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such city funds as may be determined by the Board of Mayor and Commissioners.

18-611. Property owners to pay charges. The owner of each non-exempt lot or parcel shall pay the stormwater user fee as provided in this ordinance.

18-612. Section 12. Billing procedures and penalties for late payment.

- (1) Rate and collection schedule. The stormwater user fee shall be set at a rate as set forth in the Stormwater User Fee Schedule as adopted by the Board of Mayor and Commissioners by ordinance, collected at a location, and collected on a schedule, established in accordance with this ordinance. The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for those properties within the incorporated limits. The stormwater user fee for those properties utilizing City utilities is generally paid by a single monthly payment to the City of Mount Pleasant, unless other means of billing is established at any time by the City.

The stormwater user fee for those properties utilizing utilities not provided by the City of Mount Pleasant shall be billed and collected monthly by the City of Mount Pleasant directly or as directed by the Finance Director. All bills for the stormwater user fee shall become due and payable in accordance with the rules and regulations of the applicable utilities department pertaining to the collection of the stormwater user fees.

- (2) Delinquent bills. The stormwater user fee shall be considered delinquent if not received by the City of Mount Pleasant or applicable billing water utility by the due date stated within the utility statement, and subsequent late fees shall be imposed as set forth in the fee schedule as adopted by the Board of Mayor and Commissioners as established by this ordinance.
- (3) Penalties for late payment. Stormwater users’ fees shall be subject to a late fee established by ordinance as indicated in the Stormwater User Fee Schedule. Pursuant to the Stormwater utilities’ contract with the Mount Pleasant Utilities Department to bill and collect stormwater fees, the City or other collecting utility provider may discontinue utility service to any stormwater user who fails or refuses to pay the stormwater user fees. The City may refuse to accept payment of the utility bill from any user without receiving the full payment of the stormwater user fee charges owed by such user and further may refuse to re-establish service until all such fees have been paid in full. The municipality shall be entitled to recover attorney’s fees incurred in collecting delinquent drainage fees. Any charge due under this ordinance which shall not be paid may be recovered at law by the municipality.
- (4) Mandatory statement. The City of Mount Pleasant is not covered under the MS4 requirement of the Clean Water Act (“CWA”) and Tennessee Water Quality Control Act (“TWQCA”), but the fees assessed by this ordinance are expressly authorized by Tenn. Code Ann. §§ 68-221-1101 to -1113 to operate a stormwater utility, maintain flood controls, and generally protect the public. Pursuant to Tennessee Code Annotated § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: **“THE STORMWATER FEE HAS BEEN MANDATED BY CONGRESS PURSUANT TO TENNESSEE CODE ANNOTATED § 68-221-1112”**. The City of Mount Pleasant Board of Mayor and Commissioners hereby finds and declares that the stormwater user fee is a utility service fee and not a tax.

18-613. Appeals of fees.

- (1) Any person who disagrees with the calculation of the stormwater user fee, as provided in this ordinance, or who seeks a stormwater user fee adjustment based upon stormwater management practices, may appeal such fee determination to the City of Mount Pleasant’s Board of Mayor and Commissioners within thirty (30) days after the payment is due. Any appeal not filed within the time permitted by this section shall be deemed waived.

- (2) All appeals shall be filed in writing addressed to the Stormwater Administrator for the City of Mount Pleasant and shall state the grounds for the appeal and the amount of the stormwater user fee the appellant asserts is appropriate. The appeal shall provide such information and documentation supporting the basis for the appeal. The Stormwater Administrator may request additional information from the appealing party. The appeal shall be accompanied by a non-refundable appeal review fee of \$100.
- (3) Any matter, decision, conclusion, pronouncement, or evaluation made by the City cannot be considered for The Mount Pleasant Board of Mayor and Commissioners review until the matter has first been submitted to the City of Mount Pleasant Stormwater Department for evaluation. Only after the Public Works Director and Stormwater Administrator has had an opportunity to fully consider the matter, and denied the appeal, or a timely review has not taken place, can Appellate Review be considered with the Mount Pleasant Stormwater Appeal Board.
- (4) The Mount Pleasant Board of Mayor and Commissioners shall then review the appeal and determine whether the challenged determination is consistent with the provisions of this chapter. Appeals related to the stormwater user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All appeal determinations shall be applied utilizing a strict interpretation of the Stormwater Utility Ordinance. At any hearing related to an appeal or credit determination, the City shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations.
- (5) The Mount Pleasant Board of Mayor and Commissioners may request additional information from the appealing party; the committee may defer the determination of an appeal one time to the next regularly scheduled meeting of the Mount Pleasant Stormwater Appeal board. Each appeal shall be placed on the Mount Pleasant Board of Mayor and Commissioners agenda for the next scheduled meeting, which meeting is at least twenty (20) days after the Stormwater Administrator receives the written appeal.
- (6) The Stormwater Administrator shall notify the appellant customer of the date of the appeal review hearing in writing; such written notice shall be given at least ten (10) days prior to the hearing by regular mail at the address provided in the written appeal document. The decision of the Mount Pleasant Board of Mayor and Commissioners shall be final and conclusive with no further administrative review.
- (7) If a refund is due, the Finance Director shall authorize the refund which will be provided as the Stormwater Administrator deems necessary.

18-614. Stormwater User Fee Credits and Adjustments

- (1) All applications for stormwater user fee credits and adjustments shall be submitted as outlined in the City of Mount Pleasant’s Stormwater Utility Credit Manual. Stormwater user fee credits and adjustments may be available for Other Developed properties that provide an up-to-date certified engineered plan, stamped by a current registered engineer licensed to practice in Tennessee, documenting reduced stormwater runoff and showing the stormwater on the property is not encountering the City’s stormwater system. A detailed hydrologic report is required.

Section 2. This Ordinance is in conformity with anticipated stormwater revenues for the Fiscal Year beginning July 1, 2026 through June 30, 2027 according to Budget Ordinance 2026-1133.

Section 3. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree

of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 4. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPHRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____