

TITLE 18**WATER AND SEWERS¹****CHAPTER**

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CHAPTER 1**SEWERS****SECTION**

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18-101. Definition of sewer line. A sewer line is that part of the horizontal pipe which begins outside the wall of a building and connects the building drain with the main public sewer. (2000 Code, § 18-101)

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-102. Specific requirements. (1) Rain water leaders. Roof leaders, surface drains, or ground water drains shall not be connected to the sanitary sewer.

(2) Independent system. Each house sewer and drainage system shall be independent of that of any other building except that where one (1) building stands in the rear of another building located on an interior lot, the house sewer from the front building may be extended to the rear building and the whole considered as one (1) house sewer.

(3) Use of public sewer required. Where a public sewer is accessible to a building, the liquid wastes from any plumbing system in said building shall discharge into the public sewer unless:

(a) The building was not connected to the public sewer system prior to October 1, 2016, (in the event the septic system for said building ceases to function in accordance to applicable Davidson County or Sumner County Board of Health regulations or fails to meet Tennessee Code Annotated, § 68-221-401 et seq. mandatory connection to public sewer system is required) and/or

(b) The building is greater than two hundred fifty (250) linear feet from a public sewer main. The distance is to be measured in a straight line from the closest corner of the building to the public sewer main, and/or

(c) If buildings are separated from the sewer by a buildable lot, cannot drain to the sewer by gravity, or have a major portion of the building plumbing which cannot drain to the sewer by gravity or any other extreme and expensive connection issue then the city manager or their designee may waive the requirement of public sewer connection until which time the public sewer is more readily available to such building. If the public sewer connection requirement is waived then the city manager or their designee shall report such to the board of commissioners. (2000 Code, § 18-102, as amended by Ord. #16-876, Sept. 2016)

18-103. Inspector. The sewer inspector shall be appointed by the city manager. He shall supervise all sewer connections and excavations for the purpose of installing or repairing the same. (2000 Code, § 18-103)

18-104. Specifications. (1) Material. All house sewers shall be constructed of either clay sewer pipe, concrete sewer pipe, or cast iron soil pipe, meeting ASTM specifications and International Plumbing Code specifications which will assure water tight joints.

(2) All joints shall be installed according to manufacturer's recommendations.

(3) At transition from sewer connection from clay, concrete, and cast iron, a sleeve type adapter shall be used.

(4) Connection of four inch (4") house sewer to six inch (6") sewer tap shall be made with four by six (4 x 6) factory made increaser meeting ASTM specifications.

(5) A cleanout shall be located not more than ten feet (10') from the foundation of the building constructed of cast iron "Y" or "T" fittings with threaded cleanout.

(6) From this point to city sewer, clay, concrete, or cast iron sewer pipe must be used with water tight connection.

(7) Every sewer line shall have one "Y" or "T" fitting brought to grade within every eighty feet (80') of line.

(8) No house sewer shall be less than four inches (4") in diameter. No individual building or large commercial building or multi family dwelling sewer shall be less than six inches (6") in diameter.

(9) Grades for house sewers. Unless otherwise authorized, all house sewers shall have a grade of not less than one-eighth inch (1/8") per foot. A grade of one-fourth inch (1/4") per foot shall be used wherever practical.

(10) For safety purposes it is recommended that all abandoned septic tanks be filled with dirt.

(11) Trenching and backfilling. All excavations shall be open trench work unless otherwise authorized by the sewer inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches (4") below grade and brought back to the proper grade with fine gravel, coarse sand, or similar material so as to provide a firm foundation and uniform support for the house sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet (2') above the pipe. Backfilling shall not be done until final inspection is made by the sewer inspector.

(12) Use of old house sewers. Old house sewers or portions thereof may be approved for use by the sewer inspector. The sewer inspector may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a house sewer that is also connected to the public sewer. (2000 Code, § 18-104)

18-105. Inspection. Each part of the sewer line shall be inspected and approved by the sewer inspector before being concealed or backfilled. (2000 Code, § 18-105)

18-106. Schedule of rates. The bimonthly rate for sewer service shall be that adopted by appropriate ordinance or resolution of the board of commissioners.¹ (2000 Code, § 18-106)

18-107. No free service. No sewer service shall be furnished or rendered free of charge to any person, firm, or corporation or to the city. (2000 Code, § 18-107)

18-108. Billing. All water meters shall be read bimonthly to the nearest one hundred (100) cubic feet and bills rendered bimonthly based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of Madison Suburban Utility District in Madison, Tennessee, or other offices designated by said district, during the regular hours of business, and such funds shall be remitted to the city of Madison Suburban Utility District in accordance with the city's contract with it of April 11, 1967.

The City of Goodlettsville is hereby authorized to enter into a contract between the Metropolitan government, the City of Goodlettsville, and the White House Utility District for the billing and collection of sewer fees in the Sumner County portion of the City of Goodlettsville, Tennessee.² (2000 Code, § 18-108)

18-109. Faulty meter; averaging bills. In the event any water meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for sewer service during the period shall be the average of the last three (3) bimonthly bills. (2000 Code, § 18-109)

18-110. Disconnection for delinquency. That if any bill for sewer service shall be and remain past due and unpaid for as long as sixty (60) days, water service to such delinquent customer shall be disconnected and shall not be reconnected until all past due bills shall have been paid in full. It shall be the duty of the city manager to notify the operator of the system of such delinquency, who shall proceed immediately to the premises of the customer so in arrears and disconnect said service. (2000 Code, § 18-110)

18-111. Sewer deposit. Each customer shall, before connecting with the sewer system, obtain a permit therefor from the city and shall deposit such amounts as are required by Madison Suburban Utility District for the prompt

¹Administrative ordinances and resolutions are of record in the recorder's office.

²This contract is attached to Ord. #91-444, which is of record in the recorder's office.

payment of all accounts of the subscriber with the sewer system, which deposit shall be returned to the subscriber upon termination of the services if all charges due the system shall have been paid, but in the event that the subscriber shall become in arrears in such charges, then such deposit shall be used in whole or in part, in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in charges, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge. (2000 Code, § 18-111)

18-112. Tampering with meter. It shall be unlawful for any person or persons to tamper with or change any water meter, or to make any connection to the sewer system without permission from the city, or to reconnect said service when it shall have been disconnected for nonpayment of a bill for service, until such bill shall have been paid in full, including reconnection fee. (2000 Code, § 18-112)

18-113. Extension procedures and tap fees. There is established for the City of Goodlettsville, Tennessee, the following procedure for the extension of, and the charge for tap fees to, line extensions to the Goodlettsville sanitary sewer system:

(1) Any developer contemplating extension of sanitary sewer within the City of Goodlettsville should consult with director of public works regarding the city's master plan for sanitary sewers and the sizes and location of the lines to serve the area to be developed. In no case will the gravity line be less than eight inches (8").

(2) The developer should furnish two (2) sets of detailed plans of the sewer extension(s) to the city along with a review fee of one percent (1%) of the estimated construction costs or two hundred dollars (\$200.00), whichever is greater. After the plans have been approved by the city engineers, they will be submitted for review and approval as noted in subsection (3).

(3) The developer must furnish written evidence of review approval from the Metropolitan Nashville and Davidson County Department of Water and Sewerage Services, the Tennessee State Health Department, and any other agency not otherwise named, but having jurisdiction in matters of the Goodlettsville sanitary sewer system.

(4) After the plans have been reviewed and bear the approval stamp of the city engineers and the Tennessee State Health Department and prior to starting work, the developer and his contractor shall apply for a construction permit and furnish easements as may be required. The contractor must be a licensed general contractor as required by Public Acts 1945, ch. 135, and any amendments thereto by the General Assembly of the State of Tennessee and approved for utility work by the City of Goodlettsville.

(5) Prior to commencing work, and during the sanitary sewer construction, the contractor must give the City of Goodlettsville a one (1) day notice for furnishing an inspector and pay the city at the rate of fifty dollars (\$50.00) per day for this inspection. No sewer line or appurtenance work will be done without an inspector being present (this does not include drilling, blasting, or excavation).

(6) After completion of construction, the contractor along with the city and/or any of the above agencies having jurisdiction will conduct an inspection of all lines and appurtenances. A written list of necessary corrections or approval for initial acceptance will then be furnished the developer.

(7) The developer will then furnish the city with two (2) sets of "as built" construction plans reflecting all changes in grade and location of lines and the station, lengths, and depths of all service lines together with references to lot or property lines as the case may be.

(8) All costs of design, materials, and installation will be borne by the developer and these certified costs must be furnished to the city upon completion of the sewer work.

(9) The developer will be responsible for the workmanship and materials and any deficiencies occurring in these lines for one (1) year after initial acceptance, at which time a final inspection will be conducted of these lines and appurtenances. The developer will be furnished with a written list of corrections or a letter of final acceptance.

(10) After initial acceptance, the developer will deed these lines to the city, free and unencumbered for their ownership and normal maintenance. Normal maintenance will not include remedial work necessary due to poor initial workmanship or materials or subsequent construction by the developer for a period of one (1) year after initial acceptance.

(11) After first inspection and before any permits for service connections are issued, the developer must pay all connection fees according to rates established by the City of Goodlettsville. For development along approved lines of the city outside the corporate limits, the developer must pay a connection fee of twice said rates. The connection rate shall be amended by resolution of the Board of Commissioners of the City of Goodlettsville.

(12) The city will give credit against the developer's connection fees in the amount of all offsite line extensions or oversize internal lines (i.e., larger than would be necessary to serve the proposed development being built, but necessary for drainage basin development) up to the actual certified cost of the offsite or oversize line(s). In cases where the offsite or oversize sewer line costs are greater than the connection fees, the developer may recover any connection fees derived from direct connections to this line or any extensions along the offsite line up to the actual cost of the offsite or oversize line for a period of five (5) years from the date of final acceptance after which he will not receive any additional return for the offsite or oversize line. In cases where a second offsite or oversize line is extended from the first offsite or oversize line or an extension

of the first offsite or oversize line develops into a second offsite or oversize line, the connection fees due from the second extension will be applied to the first extension until fully reimbursed for a period of time to five (5) years from the date of final acceptance of the first line. The connection fees of the third extension will then be applied to the second extension and etc.

(13) Customers desiring or required to connect to sanitary sewers of the City of Goodlettsville, who have an existing individual sanitary waste disposal system, shall not be required to pay the tapping fees established herein when making the initial connection to the public sanitary sewers. This exemption is provided for the initial connection to the sanitary sewers in recognition that such customer has expended monies for such individual system on behalf of the general welfare of the City of Goodlettsville. This exemption from the tapping fees shall apply only to residences or buildings existing at the time sanitary sewers are made available to said residences or buildings, provided said residences or buildings have individual waste disposal systems. This exemption shall not apply to additional residences or buildings erected on property served by the public sanitary sewer system, nor to new residences or buildings which replace demolished residences or buildings, except as set out in subsection (14) below.

(14) The exemption from tapping fees set out in subsection (13) above shall apply to new residences or buildings which replace demolished residences or buildings only if:

(a) Said replacement residence or building is constructed within twelve (12) months after the demolition of said residence or building; and

(b) Said demolished residence or building has utilized and paid for public sanitary sewer services for a continuous period of twelve (12) months immediately prior to its demolition; and

(c) The demolished residence is reconstructed for the same use as existed prior to the demolition; and

(d) The connection tap is no larger than the connection tap which served the demolished residence or building.

(15) Anything contained in this chapter to the contrary notwithstanding, if either the size of a connection tap is increased or a use classification changed within twelve (12) months after a permit for service connection has been issued for which a service tap fee was chargeable, then the City of Goodlettsville shall reserve the right to recalculate the connection fee based on the increased size of the connection tap and/or the changed use, and said recalculated fee if greater than the initial fee shall be paid by the owner of the affected property with credit given for the amount of the initial connection fee.

(16) When it becomes necessary to construct a system of sewer mains in a subdivision, or on private property, for the purpose of serving multiple structures or a single structure, the sewer main or mains shall be installed by

the developer or owner in accordance with the regulations of the City of Goodlettsville and shall become a part of the public sanitary sewer system.

(17) In addition to the fees assessed above, before any permits for service connections are issued, the developer must pay a plant capacity fee of five hundred dollars (\$500.00) per Equivalent Residential Connection (ERC) for the development or along approved lines. (2000 Code, § 18-113)

18-114. Application of previous section. Section 18-113 and any amendments thereto shall apply to all proposed sanitary sewer line extensions which do not have plans approved by the city engineers on the effective date of that section or any amendment thereto. (2000 Code, § 18-114)

CHAPTER 2

SEWER USE REGULATIONS

SECTION

- 18-201. Definitions.
- 18-202. Purpose of chapter.
- 18-203. Discharges to publicly owned treatment works.
- 18-204. Discharge permits.
- 18-205. Administration and enforcement.
- 18-206. - 18-208. [Deleted.]

18-201. Definitions. (1) In general. (a) For purposes of this chapter the following phrases and words shall have the meanings assigned below, except in instances where the content clearly indicates a different meaning:

(b) Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of the "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(2) Abbreviations. The following abbreviations shall have the following meanings:

- (a) "BOD₅" means Biochemical Oxygen Demand.
- (b) "BMP" means Best Management Practices.
- (c) "BMR" means Baseline Monitoring Report.
- (d) "CFR" means Code of Federal Regulations.
- (e) "CIU" means Categorical Industrial User.
- (f) "COD" means Chemical Oxygen Demand.
- (g) "EPA" means U.S. Environmental Protection Agency.
- (h) "FOG" means Fats, Oils and Grease.
- (i) "FSE" means Food Service Establishment.
- (j) "GMP" means Good Management Practices.
- (k) "gpd" means gallons per day.
- (l) "IU" means Industrial User.
- (m) "l" means liter.
- (n) "MBAS" means Methylene-Blue-Active Substances.
- (o) "mg" means milligram.
- (p) "mg/l" means milligrams per liter.
- (q) "NPDES" means National Pollutant Discharge Elimination System.
- (r) "NSCIU" means Non-Significant Categorical Industrial User.
- (s) "POTW" means Publicly Owned Treatment Works.

- (t) "RCRA" means Resource Conservation and Recovery Act.
- (u) "SIC" means Standard Industrial Classification.
- (v) "SIU" means Significant Industrial User.
- (w) "SNC" means Significant Noncompliance.
- (x) "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901

et seq.

- (y) "TSS" means Total Suspended Solids.
- (z) "U.S.C." means United States Code.

(3) Act or the Act. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(4) Antifreeze. "Antifreeze" means antifreeze and antifreeze mixtures which contain glycolic compounds that are typically toxic and may have excessively high BOD₅ and metals.

(5) Approval authority. "Approval authority" means the Tennessee Division of Water Pollution Control city manager or designee or his/her representative(s).

(6) Authority. "Authority" or "hearing authority" means wastewater hearing authority.

(7) Authorized representative of industrial user. An authorized representative of an industrial user may be:

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

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) If the industrial user is a federal, state, or local governmental facility: a city manager or designee or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;

(d) Or the individuals described in (a) through (c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Goodlettsville Public Works Department.

(8) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 15.60.080¹ or Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(9) Building sewer. "Building sewer" means a sewer conveying wastewater from the premises of a user to a community sewer.

(10) Categorical pretreatment standards. "Categorical pretreatment standards" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 707(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(11) Categorical industrial user. "Categorical industrial user" means an industrial user subject to a categorical pretreatment standard or categorical standard.

(12) Community sewer. "Community sewer" means any sewer containing wastewater from more than one (1) premise.

(13) Compatible pollutant. "Compatible pollutant" means biochemical oxygen demand, chemical oxygen demand, suspended solids, ammonia, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(14) Control authority. The term "control authority" shall refer to the city manager or designee of the Goodlettsville Department of Public Works Department of Water and Sewerage Services, or their authorized representative.

(15) Daily maximum. "Daily maximum" means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

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

(17) City manager or designee. "City manager or designee director" means the city manager or designee Goodlettsville Director of the City of Goodlettsville Department or the person designated by the city manager or designee director to supervise the operation at the POTW, and who is charged with certain duties and responsibilities by this title.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(18) Domestic sewage. "Domestic sewage" means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

- (a) BOD₅ - 300 mg/l;
- (b) COD - 500 mg/l;
- (c) Suspended solids - 325 mg/l;
- (d) Ammonia nitrogen - 30mg/l;
- (e) pH 6.0 - 9.0 S.U.;
- (f) Oil and grease - 50 mg/l.

(19) Environmental Protection Agency. "Environmental Protection Agency" or "EPA" means the Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(20) Existing source. "Existing source" means any source of discharge that is not a "new source."

(21) Food service establishment. "Food service establishment" means an establishment engaged in production/clean-up or non-residential food and/or drink. Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

(22) Grab sample. "Grab sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) Holding tank waste. "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(24) Incompatible pollutant. "Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 15.04.100.¹

(25) Indirect discharge. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge of the waters of the state.

(26) Industrial user. "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act. This term shall also

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

include all dischargers of wastes having characteristics other than those of "domestic sewage" as defined in section 15.04.140.¹

(27) Interference. "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of Goodlettsville's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(28) Instantaneous limit. "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(29) Local limit. "Local limit" refers to specific discharge limits developed and enforced by Goodlettsville upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

(30) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(31) Maximum concentration. "Maximum concentration" means the maximum amount of a specified pollutant in a volume of water or wastewater.

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

(33) Goodlettsville. "Goodlettsville" means the City of Goodlettsville Tennessee.

(34) Monthly average. "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(35) Multi-dwelling unit. A commercial or residential building with multiple offices or apartments.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(36) Municipal user. A municipality, city, utility district, town or county which provides wastewater services through a contract with the Goodlettsville Department of Public Works Department of Water and Sewerage Services.

(37) National Pollution Discharge Elimination System permit. "National Pollution Discharge Elimination System or NPDES permit" means a permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).

(38) National pretreatment standards. "National pretreatment standards" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.

(39) New source. "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 Act that 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 section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined by under this paragraph 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 clearing, excavation, or removal of existing buildings,

structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(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 paragraph.

(40) Non-contact cooling water. "Non-contact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(41) Pass through. "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 Goodlettsville's NPDES permit, including an increase in the magnitude or duration of a violation.

(42) Person. "Person" means any and all persons, including individuals, partnerships, co-partnerships, firms, companies, public or private corporations, associations, public or private institutions, state and federal agencies, municipals or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, joint stock companies, trust estates, governmental entity or any other legal entity, or their legal representatives, agents or assigns, organized or existing under the laws of this or any state or country.

(43) pH. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(44) Pharmaceuticals. "Pharmaceuticals" means a substance used in the treatment of disease: drug, medicament, medication, medicine. Pharmaceuticals are drugs or medicine that is prepared or dispensed in pharmacies and used in medical treatment.

(45) Pollutant. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand, cellar dirt, oils, greases, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (i.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or order).

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

(47) Premises. "Premises" means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the city

manager or designee to be a single user for purposes of receiving, using and paying for services.

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

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

(50) Pretreatment standards or standards. "Pretreatment standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(51) Publicly owned treatment works. "Publicly owned treatment works" or "POTW" means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by Metro. This definition includes any sewers, devices, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the Metropolitan Government of Nashville and Davidson County, a municipality, as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(52) Reclaimed water. "Reclaimed water" means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.

(53) Septic tank waste. "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. Septic tank waste does not include commercial food service establishment fats, oils and grease waste.

(54) Significant industrial user. Except as provided in paragraphs (c) and (d) of this section, a "significant industrial user" is:

(d) An industrial user subject to categorical pretreatment standards; or

(e) An industrial user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or

(ii) 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

(iii) Is designated as such by Goodlettsville on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(f) Goodlettsville may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to Goodlettsville's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in section 15.60.258(B)¹ [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(g) Upon a finding that a user meeting the criteria in subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Goodlettsville may at any time, but at least once every twelve (12) months, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(55) Significant noncompliance. The city manager or designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Goodlettsville, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(h) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

standard or requirement, including instantaneous limits as defined in Goodlettsville Code of Laws;

(i) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Metro Code of Laws title § 15.60.070¹ multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(j) Any other violation of a pretreatment standard or requirements as defined by Metro Code of Laws title § 15.60.070² (daily maximum, longer term average, instantaneous limit, or narrative standard) that the city manager or designee 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;

(k) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager or designee's exercise of its emergency authority to halt or prevent such a discharge;

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

(l) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance schedules;

(m) Failure to accurately report noncompliance; or

(n) Any other violation(s), which may include a violation of best management practices, which the city manager or designee determines will adversely affect the operation or implementation of the local pretreatment program.

(56) Slug load or slug discharge. "Slug load or slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

the prohibited discharge standards of this chapter. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, on in any other way violate the POTW's regulations, local limits, or permit conditions.

(57) Standard industrial classification. "Standard industrial classification" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(58) Stormwater. "Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(59) Toxic pollutant. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(60) Treatment works. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer systems.

(61) Twenty-four (24) hour, flow proportional composite sample. "Twenty-four (24) hour, flow proportional composite sample" means a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(62) Unpolluted water. "Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(63) User. "User" means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer.

(64) Waste. "Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

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

(66) Wastewater constituents and characteristics. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

(67) Waters of the State of Tennessee. "Waters of the State of Tennessee" means any water, surface or underground, within the boundaries of the state. (2000 Code, § 18-201, as replaced by Ord. #13-801, Aug. 2013)

18-202. Purpose of chapter. (1) The purpose of this chapter is to set uniform requirements for users of the City of Goodlettsville's (the city) wastewater collection system and treatment works to enable the city to comply with the provisions of the Clean Water Act and other applicable federal laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the city's wastewater collection system and treatment works.

(2) This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; to protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject, and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a wastewater hearing authority and establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent

standards or requirements on discharges to the POTW consistent with the purpose of this chapter. (2000 Code, § 18-202, as replaced by Ord. #13-801, Aug. 2013)

18-203. Discharge to publicly owned treatment works. (1) Purpose of article - specifications subject to review. This chapter establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in section 15.60.070,¹ the Operational Division Policy No. 2008-01 for local limits and wastewater treatment plant protection criteria, and other prohibitions and limitations of this chapter are subject to the change to enable the city to provide efficient wastewater treatment to protect the public health and the environment, and to enable the city to meet requirements contained in its NPDES permit. The wastewater hearing authority shall review such limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost-effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the director as necessary.

(2) Construction of pretreatment plants - plans - permits. Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of the pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director.

(3) Construction and maintenance of pretreatment facilities. Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in sections 15.60.060, 15.60.070 and

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

15.60.080¹ to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations contained in the user's wastewater discharge permit.

(4) Additional pretreatment measures. (a) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) Metro may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit, or a general permit, may be issued solely for flow equalization.

(5) Compliance with national pretreatment standards required. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard and shall also comply with any additional or more stringent limitations contained in the general pretreatment regulations (40 CFR part 403), the pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471, in this chapter, or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(6) State pretreatment standard. Industrial users must comply with state pretreatment requirements (Tennessee Rule 1200-4-14).

(7) Wastewater evaluation criteria. (a) The wastewater of every industrial user shall be evaluated upon the following criteria:

(i) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(ii) Wastewater causing a discoloration or any other condition in the quality of the city's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(iii) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

(iv) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(v) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

(vi) Wastewater having constituents and concentrations in excess of those listed in section 15.60.070¹ or cause a violation of the limits in section 15.60.090.²

(b) The director shall recommend and the wastewater hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter.

(8) Wastewater pollutants—maximum concentrations. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy No. 2008-01 for Local Limits (TABLE A), unless:

(a) An exception has been granted the user under the provisions of section 15.60.180;³ or

(b) The wastewater discharge permit of the user provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

³The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

Local limits: the city is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).

Metro may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of 15.60.070.¹

(9) Prohibited pollutants. (a) No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

(i) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(ii) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

(iii) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(iv) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

(v) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat such quantities that the temperature of the influent at the treatment works exceeds forty degrees (40°) Centigrade (one hundred four degrees (104°) Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding sixty-five and one half degrees (65.5°) Centigrade (one hundred fifty degrees (150°) Fahrenheit);

(vi) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(vii) 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;

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(viii) Any trucked or hauled pollutants except at discharge points designated by the POTW;

(ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permits;

(xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(xii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city;

(xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

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

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

(xvi) Unused or out-dated pharmaceuticals;

(xvii) Antifreeze or antifreeze mixtures;

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

(b) The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to sections 15.60.070 and 15.60.090¹ or the industrial user's permit.

(c) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(10) Prohibition of by-pass. Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility. Bypass is prohibited, and the department of water services may take enforcement action against an industrial user for a bypass, unless;

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime of preventative maintenance; and

(c) The industrial user submitted notices as required. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the department, if possible at least ten (10) days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the department within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The department may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(11) Hazardous waste discharge. The industrial user shall notify the department of water services, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).

(12) Treatment plant influent pollutants-maximum concentrations. No person or user shall discharge wastewater that will cause the influent concentration at any the city wastewater treatment plant to exceed the pollutant levels identified in Operational Division Policy No. 2008-01 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent - Maximum Concentrations (TABLE B). The director shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-01 (TABLE B). In the event that the influent at the treatment works

reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

(13) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(14) Unpolluted stormwater prohibited - exceptions. Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof.

(15) Unpolluted water prohibited - exceptions. Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in section 15.60.100.¹

(16) Waste from garbage grinders prohibited - exceptions. (a) Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees, therefore are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

(b) This section shall not apply to domestic residences.

(17) Food service establishments - control of Fats, Oils and Grease (FOG) discharges. All food service establishments are required to comply with Operational Division Policy No. 2004-01: City of Goodlettsville Fats, Oils and Grease Management Policy.

(18) Multi-dwelling units/apartments - control of Fats, Oils and Grease (FOG) discharges. Any multi-dwelling unit, or apartment building or complex

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

shall be subject to enforcement action for discharging FOG that contributes to a sanitary sewer overflow event, or obstruction to the sewer system.

(19) Liquid waste transport trucks - permit requirements. (a) No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

(b) The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

(c) Such permits shall be valid for a period of one (1) year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(e) The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

(f) The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(g) The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(20) Holding tank and hauled waste - permit required. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(21) Radioactive waste prohibited - exceptions. No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

(a) When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(c) When a copy of permits received from said regulatory agencies have been filed with the director.

(22) Direct discharge into manhole - permit required. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the user shall be required to pay applicable charges and fees, therefore.

(23) Accidental discharge - safeguards - special permit conditions for past offenders. (a) 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 area, and from diked areas or holding ponds of any waste regulated by this chapter.

(b) The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special conditions shall be developed by the user and submitted to the director for review under the provisions of section 15.60.030.¹

(24) Prevention of accidental and/or slug discharges. For the purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

accidental discharge into the POTW of waste regulated by this permit 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, from diked areas or holding ponds. The permittee shall notify the POTW immediately by telephone of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five (5) days, as prescribed in 40 CFR 403.8(f)(2)(v).

*Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge. The city must evaluate all SIUs for the need for a slug control plan or other actions. Any new SIUs shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the department. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the department. Should the department decide that a slug control plan is needed by the industrial user, 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 40 CFR 403.5 (b), with procedures for follow-up written notification within five (5) days;

(d) If deemed necessary by the director, 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(25) Temporary exceptions-procedure. (a) Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength parameters listed in § 18-202 of this chapter to apply for and receive a temporary exception to the discharge level for one (1) or more parameters.

(b) Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

(c) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of

each of the factors to be considered by the authority pursuant to subsection (e) of this section.

(d) Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

(e) Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(i) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-202 and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(ii) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

(iii) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

(v) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345).

(vi) The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(vii) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(viii) The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The authority may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(x) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-202; however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(xi) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the Authority that he is utilizing "Good Management Practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMPs include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.

(xii) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the

authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

(xiii) Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety (90) days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section 15.60.360¹ shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(xiv) Additional cost and expense. (A) The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by the city for transmission and treatment of such substances.

(B) The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

(C) Such charge for the Biochemical Oxygen Demand₅ (BOD₅), ammonia, suspended solids, and oil and grease will be computed using the following formula:

$$\text{Surcharge (\$/P)} = 8.34 \times (F) \times (TC) \times (Pa - Pm)$$

Surcharge (\$) total = Surcharges of BOD₅ + ammonia + suspended solids and grease.

P-Parameter: BOD₅ or ammonia or suspended solids or grease.

F-Flow in millions of gallons per day.

TC-Treatment costs for servicing POTW per pound of parameter.

Pa-Parameter, actual.

Pm-Parameter, maximum.

(D) Charges for other pollutants will be computed on a case-by-case basis.

(26) Dangerous discharge-emergency procedures. (a) Telephone notification. Any person causing or suffering any discharge, whether

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accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the, director or his designee immediately, within one (1) hour of becoming aware of the discharge, by telephone.

(b) Written report. Within five (5) days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

(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 dangerous discharge to occur are advised of the emergency notification procedure. (2000 Code, § 18-203, as amended by Ord. #08-710, March 2008, and replaced by Ord. #13-801, Aug. 2013)

18-204. Discharge permits. (1) Applicability of chapter. The provisions of this chapter are applicable to all industrial users of the POTW. Any permits issued hereunder to industrial users who are subject to or who become subject to a "national pretreatment standard" as that term is defined in 40 CFR section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards.

(2) Application--requirements. All industrial users of the POTW prior to discharging non domestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in section 15.60.220.¹ All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the user shall submit to the director revised plans whenever alterations or additions to the user's premises affect said plans. Any currently connected user discharging waste other than domestic waste who has not

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heretofore filed such a report shall file same with the director prior to twelve (12) months from adoption of this chapter (October 7, 1980). All correspondence to city required by this chapter shall be addressed to the Goodlettsville Public Works Department, 215 Cartwright St. Goodlettsville, TN 37072.

(3) Application–report requirements. (a) The report required by section 15.60.210¹ above or other provisions of this chapter for all industrial users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (i) through (v) of subsection (b) below. Industrial users subject to national pretreatment standards shall submit to the director a report which contains the information listed in subsection (b) below within one hundred eighty (180) days after the promulgation by the Environmental Protection Agency of a national pretreatment standard under section 307(b) or (c) of the Act or prior to twelve (12) months from adoption of this chapter where such national pretreatment standards have been promulgated prior to the effective date of this chapter; provided that industrial users subject to the requirements of 40 CFR section 403.12 may file with the director a copy of a report submitted to the "control authority," as defined in said section, in lieu of the report herein provided. Industrial users who are unable to achieve a discharge limit set forth in § 18-201 of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection (b) of this section.

(b) As specified hereinabove, the report shall contain all or applicable portions of the following:

- (i) The name and address of the industrial user;
- (ii) The location of such industrial user;
- (iii) Description of operations: (A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial 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.

(B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

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(C) Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

(E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(iv) The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;

(v) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard; if an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the director for approval;

(vi) A statement, reviewed by an authorized representative of the industrial user (as defined in section 15.05.060¹) and certified by a qualified professional, who shall be approved in writing by the city, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(vii) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants, assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

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

(ix) Measurement of pollutants: (A) The categorical pretreatment standards applicable to each regulated process

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and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 15.60.285¹ of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

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

(c) For purposes of this section, when the context so indicates the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user's discharging any incompatible pollutant regulated by § 18-201 of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-201 of this chapter.

(4) Incomplete applications—notice to correct—denial. The director will act only on applications that are accompanied by a report which contains all the information required in section 15.60.220.² Persons who have filed incomplete applications will be notified by the director 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 director, the director shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action.

(5) Application—recommendation of special conditions. Upon receipt of complete applications, the director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of

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²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

this chapter and all other applicable ordinances, laws, and regulations. The director may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

- (a) Pretreatment requirements;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (f) Requirements for submission of technical reports or discharge reports;
- (g) Requirements for maintaining records relating to wastewater discharge;
- (h) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-201 of this chapter) are proposed or present in the user's wastewater discharge;
- (i) Other conditions as deemed appropriate by the director to insure compliance with this chapter or other applicable ordinance, law or regulation;
- (j) A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance;
- (k) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;
- (l) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Special permit conditions—notice to applicant—procedure to file objections. (a) Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

- (b) The applicant shall have forty-five (45) days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen (15) days

following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

(c) If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided.

(7) Individual wastewater discharge permits. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit's issuance date, expiration date and effective date. No permit is to exceed a five (5) year duration;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards, local limits, state or local law;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(vi) Requirements to control slug discharge, if determined by the director to be necessary.

(8) Wastewater discharge permits: general permits. (a) At the discretion of the director, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

- (iii) Require the same effluent limitations;
- (iv) Require the same or similar monitoring; and
- (v) In the opinion of the director are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(A) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.

(B) The director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in section 15.60.255¹ and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(C) General permits will contain the same required information as listed in 15.60.252.²

The city may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for SIUs whose limits are based on the combined wastestream formula or net/gross calculations as per 40 CFR 403.

(9) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the following certification statement:

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

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information, including the possibility of fine and imprisonment for knowing violations.

(b) Annual certification for non-significant categorical industrial users--A facility determined to be a non-significant categorical industrial user by the director must annually submit the following certification statement signed by an authorized representative of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

(d) This compliance certification is based on the following information.

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

(10) Unresolved disputes—hearing. (a) In the event the director cannot issue a wastewater discharge permit pursuant to section 15.60.250,¹ the director shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

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(b) The authority shall schedule a hearing within ninety (90) days following the meeting referred to in subsection (a) unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

(d) Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly.

(11) Compliance schedule and reports—requirements. SIU compliance monitoring reports: All significant industrial users must, at a frequency determined by the city submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with 15.60.258.¹

The following conditions shall apply to the schedule required by section 15.60.220, 15.60.240 or 15.60.260² of this section:

(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 requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (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 subsection (a) shall exceed nine (9) months.

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(c) Not later than fourteen (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 and the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority and the director.

(d) Within ninety (90) days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the control authority and the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in section 15.04.060, and certified to by a qualified professional.

(e) Any industrial 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, or subject to a final compliance date in his permit, shall submit to the control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 15.60.220 (B)(4).¹ At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

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(f) The control authority or the director, as applicable, may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (e) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(g) The industrial user shall notify the POTW immediately by telephone of any slug loading (within one hour), as defined by sections 15.60.020 through 15.60.170¹ of this chapter, by the industrial user.

(h) The reports required in 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 limits where requested by the control authority or the director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

(i) Any industrial user required by this section to submit a similar report to the control authority under the provisions of 40 CFR section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control authority.

(12) Notification requirements. (a) The permittee shall notify the environmental compliance section on any of the following changes to the system no later than one hundred eighty (180) days prior to change of discharge;

(i) New introduction into the POTW of pollutants from any source which would be a new source, if such source were discharging pollutants;

(ii) New introduction of pollutants into such works from a source which would be subject to the sewer use ordinance if it were discharging such pollutants;

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(iii) A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.

(b) This notice will include information on the quality and quantity of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

(13) Records of monitoring activities required—contents. 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 analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

(14) Monitoring procedures. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city, using the procedures prescribed in 15.60.285,¹ the results of this monitoring shall be included in the report submitted to the city. Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

(a) Sample collection and analyses. Samples and measurements taken in compliance with the monitoring requirements of this permit shall be representative of the volume and nature of the monitored discharge during a normal production day and shall be taken as follows:

- (i) Be performed on composite and grab samples representative of the total wastewater flow discharged to the metropolitan government sewerage system with the maximum time interval between samples no longer than sixty (60) minutes.
- (ii) Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be

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reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by the city water services for the required parameters.

(iii) Provide the flow rate for which the results are indicative to the nearest one hundred (100) gallons per day.

(iv) Except as indicated in 15.60.285 A.5.¹ Or if designated different in the user's permit, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 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 city as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(vi) For sampling required in support of baseline monitoring and ninety (90) day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by 15.60.270² [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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(b) Sample location. All approved sampling shall be collected from the sample collection point as designated in the industrial/municipal user's permit as issued by the city water services.

(c) Test procedures. (i) Test procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304 (h) of the Clean Water Act of 1977, under which such procedures may be required.

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

(15) Repeat sampling and reporting/notice of violation. If sampling performed by a user indicates a violation, the user must notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(16) Records of monitoring activities—retention for four years—subject to inspection. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Any user subject to the reporting requirement

established in this section shall be required to retain for a minimum of four (4) years any 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 director, the director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, 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 director, the director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency.

(17) Term-renewal-modifications. (a) Wastewater discharge permits shall be issued for a period of three (3) years. Original permits may be issued for a period between two (2) and three (3) years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to section 15.60.180,¹ shall be issued for a period of one (1) year.

(b) Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

(c) A user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

(d) Limitations or conditions of a permit are subject to modification or change due to, but not limited to, changes in applicable water quality standards, changes in the city's NPDES permit, changes in sections 15.60.070 and 15.60.090,² the need to incorporate any new or revised federal, state, or local pretreatment requirement, changes in the user's operations and processes, violation of any terms or conditions of the user's permit, changes in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge, to correct typographical or other errors in the user's permit, misrepresentations or failure to fully disclose relevant facts in the

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

wastewater discharge permit application or in any required reporting, changes in other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter.

(18) Transfer—approval required. 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 or for different premises unless approved by the director.

(19) Revocation. Any permit issued under the provisions of this section 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:

- (a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;
- (b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or
- (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the city timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(20) Regulation of waste from other jurisdictions. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), above, the city shall request the following information from the contributing municipality:

- (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information as the city may deem necessary.

(c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit, or general permit, issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city and which of these activities will be conducted jointly by the contributing municipality and the city;

(iv) A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (2000 Code, § 18-204, as amended by Ord. #08-710, March 2008, and replaced by Ord. #13-801, Aug. 2013)

18-205. Administration and enforcement. (1) Director—authority and responsibilities. (a) Responsibilities and assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

(b) Authority. The director shall have the authority to enforce all sections of this title. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

(c) Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the wastewater hearing authority.

(d) Wastewater hearing authority. The director shall attend all meetings of the wastewater hearing authority, or whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist such authority in the administration of this title.

(e) The director shall notify industrial users identified in 40 CFR section 403.8(f) (2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of section 204(b) of the Act (33 U.S.C. 1284), section 405 of the Act (33 U.S.C. 1345), or under the provisions of section 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the director to so notify industrial users shall not relieve such users from the responsibility of complying with such requirements.

(f) The director shall comply with all applicable public participation requirements of section 101(e) of the Act (33 U.S.C. 1251(e)) and 40 CFR part 105 in the enforcement of national pretreatment standards. The director shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve (12) months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve (12) months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of section 15.60.180.¹

(2) Monitoring and inspections. (a) Whenever required to carry out the objective of this title, including but not limited to developing or

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assisting in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition under this title; determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; or any requirement established under this chapter:

- (i) The director shall require any industrial user to:
 - (A) Establish and maintain such records;
 - (B) Make such reports;
 - (C) Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;
 - (D) Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;
 - (E) Provide such other information as he may reasonably require; and
- (ii) The director or his authorized representative, upon presentation of his credentials, shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection (i) of this section are located. The city shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

(C) The city may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times

in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

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

(E) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this ordinance; and

(F) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (1) and sample any effluents which the owner or operator of such source is required to sample under subsection (1).

(b) Any records, reports or information obtained under this section:

(i) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

(ii) Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

(iii) Specific requirements under the provisions of subsection (a)(i) of this section shall be established by the director, or the authority as applicable, for each industrial user; and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The

user shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five (45) days and shall recommend to the user any change he deems appropriate.

(iv) Upon approval of plans as specified in subsection (iii), the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

(v) In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section.

(3) Wastewater hearing authority. (a) There is established an Authority of five (5) members to be known as the wastewater hearing Authority.

(b) Composition and length of term. The hearing authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing authority:

| Representative Group | Length of Term (years) |
|--|------------------------|
| 1. Major industry (one) | 2 |
| 2. Tributary utility districts or city (one, rotating) inside or outside Davidson County | 2 |
| 3. Private citizenry (one) | 2 |
| 4. Technical/science or financial (two) | 2 |

(c) Provisions. (i) Members may be removed from the hearing authority by the mayor, with councilmanic approval, for continued absence from meetings, or other just cause.

(ii) Members shall comply with chapter 11, sections 11.101 through 11.108,¹ inclusive, of the charter of the metropolitan government.

(d) Powers and duties. In addition to any other duty or responsibility otherwise conferred upon the hearing authority by this title, the hearing authority shall have the duty and power as follows:

(i) To recommend to the metropolitan council that it amend or modify the provisions of this title;

(ii) To establish, modify or amend procedural rules governing hearings, orders, issuance of permits, and all other matters not specifically requiring a hearing. Any rules so adopted shall be filed with the metropolitan clerk;

(iii) To grant exceptions pursuant to the provisions of section 15.60.180,² and to determine such issues of law and fact as are necessary to perform this duty;

(iv) To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

(v) To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(vi) To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(vii) To request assistance from any officer, agent or employee of the metropolitan government to obtain such information or other assistance as the hearing authority might need;

(viii) The hearing authority, acting through its chairman, shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the hearing authority;

(ix) The chairman, vice-chairman or chairman pro tern shall be authorized to administer oaths to those persons giving testimony before the hearing authority;

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Charter.

²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

(x) The hearing authority shall hold quarterly meetings and such special meetings as the board may find necessary;

(xi) Three (3) members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day;

(xii) In addition to any other power granted to it by this title, the hearing authority is granted the authority to assess a civil penalty in an amount not to exceed the sum of ten thousand dollars (\$10,000.00) per day for each day of violation against any person in violation of this chapter.

(A) The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter. Notice of such assessment shall be provided by certified mail, return receipt requested,

(B) Any person against whom an assessment is made by the director may appeal to the hearing authority by filing a request with the director for review by the hearing authority. Request for review by the hearing authority must be made in writing and filed within thirty (30) days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment,

(C) Failure to appeal the assessment within thirty (30) days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the hearing authority,

(D) The assessment of a civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe,

(E) No assessment of a civil penalty, whether brought to the hearing authority by appeal or for confirmation by the director, shall be final until such assessment is approved by the hearing authority at any regular meeting or duly called special meeting. The hearing authority may alter or modify the terms of any civil penalty but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the hearing authority for modification of such assessment in the same manner as an appeal from assessment of a civil penalty by the director,

(F) The director may enter into consent decrees with any person in violation of this chapter and, after approval by the hearing authority, the same shall have the effect and be enforceable in the same manner as a civil penalty,

(G) In assessing a civil penalty, the director and the hearing authority may consider all factors listed in Tennessee Code Annotated, § 69-3-125 and may include any expenses and actual damages incurred by the metropolitan government in investigating, removing, correcting or cleaning up the violation.

(4) Adjudicatory hearing procedures. (a) The hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

(b) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The hearing authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have such hearing recorded, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the hearing authority by common law writ of certiorari; and in such event the party seeking such judicial review shall pay for the transcription and provide the hearing authority with the original of the transcript so that it may be certified to the court.

(c) The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the sheriff's office for service by any authorized officer of the metropolitan government. If the witness does not reside in the metropolitan area, the chairman shall issue a written request that the witness attend the hearing.

(d) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

(e) The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may

desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the hearing authority. The hearing authority, the director, or his representative, and all parties shall have the right to examine any witness. When sitting without an administrative law judge, the hearing authority shall not be bound by or limited to rules of evidence applicable to legal proceedings or the Uniform Administrative Procedures Act.

(f) Any person aggrieved by any order or determination of the director may appeal such order or determination for review by the hearing authority. A written notice of appeal shall be filed with the director, and the notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing the appeal. A special meeting of the hearing authority may be called by the chairman upon the filing of such appeal, and the hearing authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of sections 15.60.410 through 15.60.440¹ shall not be subject to review under this section.

(g) Within ten (10) days of filing of an appeal, any party may request that an administrative law judge be appointed to conduct the hearing together with the hearing authority pursuant to Tennessee Code Annotated, § 7-7-105. Any hearing conducted by an administrative law judge shall be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301, *et seq.*

(h) The vice-chairman or the chairman pro tern shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

(i) Any person aggrieved by any final order of the hearing Authority hereunder may seek judicial review by common law writ of certiorari.

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

(6) Violation—notice. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

violation of the provisions of this title, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall riot in any way relieve the user from any consequences of a wrongful or illegal discharge.

(7) Significant noncompliance. The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city sewerage services, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Metro Code of Laws title § 15.60.070;¹

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Metro Code of Laws title § 15.60.070² multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by Metro Code of Laws title § 15.60.070³ (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

²The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

³The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

director's exercise of its emergency authority to halt or prevent such a discharge;

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

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(8) Enforcement response manual. The director shall promulgate an enforcement response manual that establishes the procedures to be followed by the department as it enforces the provisions of this chapter. Upon approval by the hearing authority, the enforcement response manual shall be filed with the metropolitan clerk.

(9) Show-cause hearing before the city wastewater hearing authority. The director may issue a show-cause notice to any permit holder directing that he appear before the hearing authority at a specified date and time to show cause why the permit holder's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the permit holder of the general nature of the recommendations he shall make to the hearing authority. If the director seeks to suspend or revoke the wastewater discharge permit, he shall notify the permit holder of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the permit holder to prepare his defense. Such notice shall be mailed to the permit holder by certified mail, return receipt requested, or shall be personally delivered to the permit holder at least twenty days prior to the scheduled hearing date.

(10) Injunctive relief. The director may in the name of the metropolitan government file in any court of competent jurisdiction a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the metropolitan government as a result of any action or inaction of any person who causes or suffers damage to

occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the metropolitan government.

(11) Assessment of damage to user. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the metropolitan government, the director shall assess the expenses incurred by the metropolitan government to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the metropolitan government. The director shall file a claim with the user or any other person causing or suffering such damages to occur, seeking reimbursement for any and all expenses or damages suffered by the metropolitan government. If the claim is ignored or denied, the director shall notify the metropolitan attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by the metropolitan government.

(12) Applicability of state and federal regulations. In addition to other remedies for enforcement provided in this section, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law.

(13) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the emergency response office of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the metropolitan government, or in their absence such elected officials of the metropolitan government as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected.

(14) Punitive action--confirmation of authority required--exceptions. The director shall report to the hearing authority his intent to institute any

action under the provisions of sections 15.60.410 and 15.60.430¹ and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable.

(15) Violation—penalty. Any person who violates any provision of this chapter including but not limited to the following violations:

- (a) Violates an effluent standard or limitation;
- (b) Violates the terms or conditions of a wastewater discharge permit;
- (c) Fails to complete a filing or reporting requirement;
- (d) Fails to perform or properly report any required monitoring;
- (e) Violates a final order or determination of the hearing authority or the director; or
- (f) Fails to pay any established sewer service charge or industrial cost recovery charge;

shall be assessed a civil penalty in an amount not to exceed the sum of ten thousand dollars (\$10,000.00) per day for each day of violation.

(16) Right of entry. Under 40 CFR 403.8 (A) (6)(v), pretreatment shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under section 403.12(0) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

Pretreatment requirements which will be enforced through the remedies set forth in paragraph 40 CFR 403.8 (f) (1) (vi) (A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected Industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or

¹The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee: Title 15.

which threatens to interfere with the operation of the POTW. (2000 Code, § 18-205, as replaced by Ord. #13-801, Aug. 2013)

18-206. - 18-208. [Deleted]. (2000 Code, §§ 18-206, 18-207, and 18-208, as deleted by Ord. #13-801, Aug. 2013)

CHAPTER 3**STORMWATER MANAGEMENT****SECTION**

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18-301. 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.

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) general permit for discharges from small Municipal Separate Storm Sewer Systems (MS4) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) 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;

(ii) 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) Administrator. The city manager, or designee, shall administer the provisions of this chapter.

(3) Jurisdiction. This ordinance shall govern all properties within the corporate limits for the City of Goodlettsville, Tennessee.

(4) Right of entry. Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurement of the property's stormwater operations or discharges.

The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.

(5) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater quality and drainage while requiring temporary and permanent provisions for its control. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-302. Definitions. For the purpose of this chapter, 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) "As built plans" means drawings depicting conditions, elevation, location, and material of stormwater facilities as they were actually constructed.

(3) "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 or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs could be incorporated by reference into this ordinance as if fully set out therein.

(4) "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 for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(8) "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.

(9) "Construction" is 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, 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.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water that degrades the quality of the water.

(11) "Design storm event" means 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., 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. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(13) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(14) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(15) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(16) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(17) "Hotspot" 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; or
- (k) Other land uses and activities as designated by an appropriate review authority

(18) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(19) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §14-507(2).

(20) "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 TDEC's Underground Injection Control (UIC) program. 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).

(21) "Inspector." An inspector is 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:

(a) 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;

(b) Update field Stormwater Pollution Prevention Plan(s) (SWPPP);

(c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) 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.

(22) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(23) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(24) "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 practices.

(25) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(26) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(27) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(28) "Operator" in the context of stormwater associated with construction activity, means, any person associated with a construction project that meets either of the following two criteria:

(a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically considered the owner or developer of the project or a portion of the project, and is considered the primary permittee; or

(b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee and is considered a secondary permittee. It is anticipated at different phases of a construction project, different types of parties may satisfy the definition of "operator."

(29) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(30) "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.

(31) "Redevelopment" means building or constructing new infrastructure in an area that has previously been built or constructed on, and the old infrastructure is to be replaced with new.

(32) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(33) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(34) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(35) "Sinkhole" means a cavity in the ground providing a route for surface water to disappear underground.

(36) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(37) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(38) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(39) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(40) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(41) "Stormwater management facilities" means the 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.

(42) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(43) "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.

(44) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other

reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(45) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(46) "Stream" means a surface water that is not a wet weather conveyance. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(20)]. See also waters of the state.

(47) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(48) "Surety" is a letter of credit or other acceptable form of assurance for completion of improvements as needed acceptable by the city attorney, administrator, and/or other city personnel.

(49) "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 and reservoirs.

(50) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(51) "Water quality buffer" see "buffer."

(52) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(53) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(54) "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.

(55) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(56) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, 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. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)). (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-303. Waivers. (1) General. No waivers will be granted to any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the primary requirement(s) for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development will not discharge, during or after construction, stormwater runoff that contains contaminants or will otherwise not affect, impair or degrade adjacent or downstream properties, conveyances, or streams.

(c) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the administrator that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, structures or land;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Alternative request procedure. For consideration of an alternative stormwater management measure, a formal request shall be submitted to the administrator. The formal request shall be submitted with a stormwater management plan outlining why the primary stormwater management measure cannot be addressed and how the alternative measures will address the provisions outlined in this Ordinance. The plan shall demonstrate how the proposed development is not likely to impair attainment of the objectives of this chapter. The administrator shall notify the appellant customer of the date of the alternative request in writing; such written notice shall be given at the address provided following review of the request. The decision made by the administrator will be final and conclusive with no further administrative review.

(4) Land disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved, unless allowed by the administrator. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. If no alternative is approved, the owner has thirty (30) days to resubmit the land disturbance permit without facing additional fees. If the land disturbance permit is submitted more than thirty (30) days following the alternative request decision by the administrator, applicable fees will be charged. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-304. Land disturbance permit. (1) General. The land disturbance permit is to be obtained by the owner(s) or owner(s) designee(s) for development or redevelopment of over an acre, or less than one (1) acre if part of a larger plan of common development or sale. The land disturbance permit is designed to track all applicable land disturbance activities and ensure they are monitored for compliant erosion prevention and sediment controls, the absence of illicit discharges leaving the site, and compliance with the city's TDEC NPDES MS4 general permit along with any applicable TDEC construction general permits, TDEC Aquatic Resources Alteration Permits (ARAP), and any other relevant permits. Tracking of these activities allows inspection, and in cases of non-compliance, enforcement actions to be taken.

(2) Exemptions. The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

(a) Surface mining as is defined in Tennessee Code Annotated, § 59-8-202.

(b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additional or modifications, home maintenance work, and other related activities that result in no soil erosion leaving the site. (Erosion Prevention and Sediment Control (ESPC) practices may be enforced through individual building permits.)

(c) Agriculture practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.

(d) Any project carried out under the technical supervision of NCRS, TDOT, TDEC, or USACE that is covered under applicable state or federal construction permits.

(e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing road, street, or sidewalk which is hard surfaced and such street, curb, gutter, or sidewalk construction has been approved.

(f) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

These activities may be undertaken without a land disturbance permit; however, the person conducting these excluded activities shall remain responsible for conducting these activities within accordance with provisions of this ordinance and other applicable regulations including responsibility for controlling sediment, illicit discharges, and runoff.

(3) Supplemental permit. In cases where a secondary owner/operator will be working within an area already covered by an existing land disturbance permit that was issued under the name of a primary owner/operator, a supplemental land disturbance permit shall be obtained prior to commencement of the secondary owner/operator's work. The application fee may be waived for any supplemental permit. Where applicable, prior to issuance of the supplemental land disturbance permit, the secondary owner/operator must show that coverage under the site's NPDES construction general permit has been obtained. Once covered by a land disturbance permit, all primary and secondary owner/operators will be considered by the city as co-permittees. If co-permittee's involvement in the construction activities affects the same project site, they will be held jointly and severally responsible for complying with the terms of the permits issued for that site.

(4) Application. Application for the land disturbance permit shall be made to the administrator by the property owner(s) and co-permittee (if applicable). Applications are available from the public works department, or assigned division. No land disturbing activities shall take place prior to approval of the land disturbance permit application. Application fees must be paid and the recorded inspection and maintenance agreement filed (original returned to public works, or assigned division) prior to issuance of the land disturbance permit.

(5) Permit requirements. The following are conditions of land disturbance permit coverage. Any violation of these conditions will make the permit holder(s) subject to all enforcement actions and penalties outlined in this ordinance.

(a) Submittal and approval by city staff and board(s) of the erosion prevention and sediment control plans.

(b) Compliance with the site's TDEC construction general permit, TDEC ARAP, TDEC underground injection well permit, FEMA flood plain development permit, and other federal or state permits where applicable.

(c) Compliance with approved erosion prevention and sediment control plan and EPSC performance standards.

(d) Implementation and maintenance of appropriate erosion prevention and sediment control best management practices.

(e) Construction site operators must control wastes such as discarded building materials, concrete truck washouts, chemicals, litter,

and sanitary waste at the construction site to avoid adverse impacts to water quality.

(6) Land disturbance surety. Prior to the issuance of a permit for any land disturbance activity, the applicant shall be required to provide a surety to the City of Goodlettsville to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, flood plain development, streams, or drainage ditches, the applicant may be required, to provide a surety to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.

(7) Permit duration. Each land disturbance permit shall expire and become null and void when one of the following has occurred:

- (a) Six (6) months of no activity on the site has occurred.
- (b) Final stabilization of the site per the approved plans has occurred.
- (c) Issuance of a TDEC Notice of Termination (NOT). A copy must be provided to the city in order to close out the land disturbance permit.
- (d) Three (3) years from issuance of permit or if new federal or state regulations exist changing the scope of coverage where a new land disturbance permit is required.

(e) In cases of expiration of the land disturbance permit, a permit may be re-issued with no additional fee if the plan and scope of the project submitted on the original land disturbance permit does not significantly change. When significant change applies, new permit fees must be paid. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and amended by Ord. #19-939, June 2019 *Ch4_1-23-20*)

18-305. Stormwater system design: construction and permanent stormwater management performance standards. (1) Applicability. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. The requirements in this section shall apply to any new development or redevelopment site that meets one or more of the following criteria:

- (a) One (1) acre or more;
 - (i) New development that involves land disturbance activities of one (1) acre or more;
 - (ii) Redevelopment that involves other land disturbance activity of one (1) acre or more;
- (b) Developments and redevelopments less than one acre of total land disturbance may also be required to obtain authorization under this ordinance if:

(i) The administrator 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;

(ii) The administrator has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state; or

(iii) Any new development or redevelopment, regardless of size, that is defined by the administrator to be a hotspot land use.

(c) Other options:

(i) Change in elevation of property.

(ii) Any land disturbance that requires coverage under a TDEC construction general permit.

(iii) Any disturbance that requires coverage under a TDEC ARAP.

(2) General requirements. Stormwater at applicable developments and redevelopments shall be managed in accordance with the requirements contained within this section.

(a) Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

(b) Stormwater design or BMP manuals.

(i) Adoption. The city adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(A) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(B) Tennessee Permanent Stormwater Management and Design Guidance Manual; most current edition.

(C) Metro Nashville Stormwater Management Manual Volume 5, Low Impact Development

(D) And/or a collection of city approved BMPs.

(ii) The publications listed above include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(iii) Stormwater facilities that are designed, constructed and maintained in accordance with these publications will be

presumed to meet the minimum water quality performance standards.

(c) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4

(i) Permittees who discharge stormwater through an NPDES-permitted Municipal Separate Storm Sewer System (MS4) who are not exempted in section 1.4.5 (permit coverage through qualifying local program) of TDEC's Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the administrator. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's data viewer web site.

(ii) Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

(iii) If requested by the city, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(3) Stormwater pollution prevention plans for construction stormwater management. (a) Requirement to prepare a SWPPP: The applicant must prepare a stormwater pollution prevention plan (SWPPP) for all construction activities that complies with subsection (6) below. The purpose of this plan is to identify owner/operator activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(b) Stormwater pollution prevention plan general requirements: The erosion prevention and sediment control plan component of the SWPPP shall adhere to the following requirements.

(i) The potential for soil erosion and sedimentation problems resulting from land disturbing activity shall be accurately described;

(ii) The measures that are to be taken to control soil erosion and sedimentation problems shall be explained and illustrated;

(iii) The length and complexity of the plan must be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.

(iv) If necessary, the measures to control soil erosion and sedimentation problems that are described in the plan shall be phased so that changes to the site that alter drainage patterns or characteristics during construction will be addressed by an appropriate phase of the plan.

(v) The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.

(vi) The plan shall conform to the requirements found in the general NPDES permit for stormwater discharges from construction activities (TNR100000), and shall include at least the following:

(A) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(B) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(C) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(D) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(E) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(F) Approximate limits of proposed clearing, grading and filling.

(G) Approximate flows of existing stormwater leaving any portion of the site.

(H) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(I) Location, size and layout of proposed stormwater and sedimentation control improvements.

(J) Existing and proposed drainage network.

(K) Proposed drain tile or waterway sizes.

(L) Approximate flows leaving site after construction and incorporating water run-off mitigation

measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(M) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(N) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and nonvegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(O) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(P) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(Q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(R) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water

quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(4) Design performance standards and requirements for permanent stormwater management. The following performance standards shall be addressed for permanent stormwater management at all applicable development and redevelopment sites effective as of fifteen (15) days following the adoption date of this ordinance:

(a) Runoff reduction performance standard. The first inch of rainfall on the development or redevelopment shall be one hundred percent (100%) managed with no discharge to surface waters or the public storm sewer system. This standard shall be met using measures, alone or in combination, designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall, in accordance with the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual or reference Metro Nashville's Low Impact Development Design Guidelines, most current edition.

(i) The pre-development infiltrative capacity of soils at the development or redevelopment must be taken into account in selection of infiltration-based stormwater control measures.

(ii) The Tennessee Runoff Reduction Assessment Tool (TN-RRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development design guidelines shall be used by the site designer to determine compliance with the runoff reduction requirement.

(iii) Incentive standard: The following types of development or redevelopment shall receive a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such incentives are additive such that a maximum reduction of fifty percent (50%) of the runoff reduction performance standard is possible for a project that meets all five (5) development types:

(A) Redevelopment;

(B) Brownfield redevelopment;

(C) High density developments having greater than seven (7) units per acre;

(D) Vertical density developments having a Floor to Area Ratio (FAR) of two (2) or greater than eighteen (18) units per acre; and

(E) Mixed use and transit oriented development that is located within one half (1/2) mile of a mass transit station.

(b) Runoff reduction performance standard compliance. Developments and redevelopments that achieve one hundred percent

(100%) of the runoff reduction performance standard (or incentive standard if applicable) using only site design layout practices and/or stormwater control measures that are designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall shall be exempt from compliance with the eighty percent (80%) TSS removal performance standard.

(c) Runoff reduction limitations. Limitations to the application of runoff reduction requirements may prevent a development or redevelopment from meeting one hundred percent (100%) of the runoff reduction requirement. Such limitations may include, but are not limited to:

(i) Natural physical conditions exist at the development or redevelopment that preclude or highly limit the use of infiltration practices. Such conditions include, but are not limited to, the following circumstances:

(A) The presence of sinkholes or other karst features;

(B) A high prevalence of shallow bedrock;

(C) A high prevalence of poorly-drained soils (i.e., hydrologic soil group D), such that soil amendments to promote infiltration must be extensive;

(D) A high prevalence of contractive/expansive soils and their proximity to on-site or off-site structures;

(E) Slopes greater than the maximums identified for the appropriate application of stormwater control measures;

(ii) The development lacks the available area to create the necessary hydraulic capacity to fully achieve the runoff reduction requirement through infiltration or evapotranspiration; and,

(iii) The proposed use for the development is inconsistent with the capture and re-use of stormwater;

(iv) Soil or topographic conditions at the development dictate that stormwater control measures which rely on infiltration to reduce stormwater volumes would be located in close proximity to on-site or off-site subsurface foundations, basements or crawlspaces where wet conditions or flooding is known or suspected to occur;

(v) Conditions exist at the development that create a potential for introducing pollutants into the groundwater, unless pre-treatment is provided;

(vi) Pre-existing soil contamination is present in areas that are or could be subject to contact with infiltrated stormwater;

(vii) The placement of on-site or off-site utilities precludes the use of stormwater control measures that infiltration, evapotranspire or harvest and use rainfall;

(viii) The site has a historic or archeological significance that cannot be disturbed as determined by the state historic preservation office.

(d) Eighty percent (80%) TSS removal performance standard: Developments and redevelopments that cannot meet one hundred percent (100%) of the runoff reduction performance standard using the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual must treat the remainder of the stipulated amount of runoff prior to discharge from the development or redevelopment with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS), unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(e) It can be demonstrated that multiple criteria (not based solely on the difficulty or cost of implementing measures) rule out an adequate combination of infiltration, evapotranspiration, and reuse such as lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse of stormwater; physical conditions that preclude use of these practices.

(f) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(g) Stormwater discharges from hotspots may require the application of additional structural BMPs and pollution prevention practices beyond runoff reduction and eighty percent (80%) TSS removal practices.

(h) Prior to or during the site design process, applicants for land disturbance permits shall consult with the administrator to determine if they are subject to additional stormwater design requirements.

(i) The calculations for determining peak flows shall be used for sizing all stormwater facilities.

(5) Minimum peak discharge control requirements. The administrator may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the storm frequency storage requirements; and,

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the

administrator may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(6) Permanent stormwater management plan requirements.

(a) Requirement to prepare a permanent stormwater management plan: The permanent stormwater management plan shall be prepared and submitted to the administrator for all applicable developments and redevelopments.

(b) The permanent stormwater management plan shall include sufficient information to allow the administrator 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, the appropriateness of the measures proposed for managing stormwater generated at the project site, and design compliance with the performance standards and requirements for permanent stormwater management identified in this ordinance.

(c) The permanent stormwater management plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.

(d) The plan shall include, at a minimum, the elements listed below:

(i) Topographic base map: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(A) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(B) Current land use including all existing structures, locations of utilities, roads, and easements;

(C) All other existing significant natural and artificial features;

(D) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(ii) A completed site assessment and inventory checklist (found in the Tennessee Permanent Stormwater Management and Design Guidance Manual).

(iii) Proposed structural and non-structural BMPs and stormwater control measures;

(iv) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(v) Calculations: hydrologic and hydraulic design calculations for the predevelopment and post-development

conditions for the design storms specified in the approved stormwater design and BMP manuals. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the approved stormwater design and BMP manuals. Such calculations shall include:

- (A) A description of the design storm frequency, duration, and intensity where applicable;
 - (B) Time of concentration;
 - (C) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (D) Peak runoff rates and total runoff volumes for each watershed area;
 - (E) Infiltration rates, where applicable;
 - (F) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (G) Flow velocities;
 - (H) Data on the increase in rate and volume of runoff for the design storms referenced in the approved stormwater design and BMP manuals; and
 - (I) Documentation of sources for all computation methods and field test results.
 - (J) Results from the Tennessee Runoff Reduction Assessment Tool (TNRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development Design.
- (vi) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (vii) Eighty percent (80%) TSS removal information. If eighty percent (80%) TSS removal BMPs are included in the plan, then it must also include:
- (A) A narrative description of all runoff reduction limitations that exist at the development or redevelopment;
 - (B) A map drawn to scale showing the location and boundaries of such limitations;
 - (C) Calculations showing the volume of runoff managed by runoff reduction stormwater control practices and the volume of runoff managed by eighty percent (80%) TSS removal BMPs; and,

(D) Calculations showing compliance with the eighty percent (80%) TSS removal performance standard.

(vii) Maintenance and repair plan required. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility 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. (Ord. #04-651, Jan. 2005, as amended by Ord. #10-738, April 2010, and replaced by Ord. #15-830, Feb. 2015)

18-306. Buffer zones. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

Buffer zone requirements:

(1) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or Exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately

adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, Tennessee Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty (30) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

Buffer zone requirements for discharges into impaired or high quality waters: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five (25') at any measured location.

(2) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than 1 square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-307. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any portion of a performance, surety, security or bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city. At a minimum, as-built plans must include the invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, junctions, etc. Size and material of all outlet dissipation pads, ditch size, slope, and materials. Top of berm elevations on all drainage facilities, volume of all detention/retention facilities and location and description of all permanent stormwater BMPs.

(2) 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 stabilize. 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 no later than fifteen (15) 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 fifteen (15) 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 re-vegetation 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-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in §16-506.

(4) Records of installation and maintenance activities. Parties 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.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, 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 responsible person 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 responsible party and/or a lien placed on the property by the city. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and Ord. #16-877, Oct. 2016)

18-308. Existing locations and ongoing developments. (1) On-site stormwater management facilities 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 storm water facilities are and remain in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws. The OWNER(S) shall perform preventive maintenance activities at intervals described in the post construction long-term water quality plan.

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 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 for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this chapter. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the administrator. This report shall be completed, at a minimum, once within a five (5) year period, or as required by the city, or the Tennessee Department of Environment and Conservation, and submitted to the city's stormwater manager. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) 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 needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the administrator.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the administrator 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 administrator's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The administrator 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 BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(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 or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; 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 BMPs.

(3) Owner/operator inspections. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),

(v) A description of current BMP conditions including, but not limited to: green infrastructure practices, grassy areas, forested areas, buffer areas, growing vegetation and soil properties; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

(vi) Photographic documentation of BMPs, and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development 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 § 18-307(2) and on a schedule acceptable to the administrator.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the administrator be controlled 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) Catch basin inserts/media filter
 - (B) Sand filter
 - (C) Filter/absorption bed
 - (D) Filter and buffer strips
- (v) Open channel
 - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the administrator under this section are subject to appeal under § 18-312 of this chapter. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and amended by Ord. #19-939, June 2019 **Ch4_1-23-20**)

18-309. 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 or any discharge that flows from stormwater facility that is not inspected in accordance with § 16-506 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, commercial car wash wastewater, lawn mowing debris, lawn care chemicals, grease, soap, cleaning chemicals, radiator flushing disposal, spills from vehicle 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) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Groundwater infiltration to storm drains;
 - (vi) Pumped groundwater;
 - (vii) Foundation or footing drains;
 - (viii) Crawl space pumps;
 - (ix) Air conditioning condensation;
 - (x) Springs;
 - (xi) Non-commercial washing of vehicles;
 - (xii) Natural riparian habitat or wetland flows;
 - (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
 - (xiv) Firefighting activities;
 - (xv) Any other uncontaminated water source.
 - (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge if the city has so specified in writing.
 - (d) Discharges authorized by the Construction General Permit (CGP), which comply with section 3.5.9 of the same:
 - (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) Water used to control dust in accordance with CGP section 3.5.5;
 - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
 - (v) Routine external building washdown that does not use detergents or other chemicals;
 - (vi) Uncontaminated groundwater or spring water; and
 - (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).
- (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 BMPs 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 BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(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.

(7) Hot spots. The administrator is authorized to regulate hot spots. Upon written notification by the administrator, the property owner or designated facility manager of a hot spot 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. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-310. Enforcement. (1) Enforcement authority. The administrator shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(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 MS4 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 MS4'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 MS4 may also use other escalated measures provided under local legal authorities. The MS4 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.

(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 administrator 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 administrator 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 administrator. 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 administrator 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 administrator may order any person who violates this chapter 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 administrator finds that any person has violated or continues to violate this chapter 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 administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the administrator 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 administrator 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 administrator 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 chapter and in the BMP manual(s) adopted by the city under this ordinance, the strictest standard shall prevail. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-311. 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 administrator, 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 administrator 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 administrator may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the city;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) 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 chapter, 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 chapter.

(5) Referral to TDEC. Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and/or two (2) warning notifications. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;
- (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) 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.

(7) 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. (Ord. #04-651, Jan. 2005, as amended by Ord. #10-738, April 2010, and replaced by Ord. #15-830, Feb. 2015)

18-312. 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 forty-five (45) days. A minimum of ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation and/or on the city's website. The notice shall also be provided to the aggrieved party by registered mail and 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 8. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-313. Maintenance. (1) Maintenance responsibility. (a) Any stormwater management facility or BMP which services individual property owners or subdivisions shall be privately owned with general routine maintenance (controlling vegetative growth and removing debris) provided for by the owner(s). The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, non-exclusive easement, which allows for access for inspection and other emergency maintenance by the city.

(b) Any stormwater management facility or BMP which services an individual subdivision in which the facility or BMP is within

designated open areas or an amenity with an established homeowners association, or inspection and maintenance agreement, shall be privately owned and maintained consistent with provisions of this ordinance. The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, nonexclusive easement, which allows for access for inspection and emergency maintenance by the city.

(c) Any stormwater management facility or BMP which services commercial and industrial development shall be privately owned and maintained consistent with the provisions of this title. The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement.

(d) All regional stormwater management facilities proposed by the owners, if accepted by the city engineer and approved by the board of commissioners for dedication as a public regional facility shall be publicly owned and maintained.

(e) All other stormwater management control facilities and BMP's shall be publicly owned and/or maintained only if accepted for maintenance by the city through a formal agreement recorded at the Davidson/Sumner County, Tennessee Register of Deeds. Existing or proposed drainage easements shall not constitute a formal agreement.

(f) The city engineer may require dedication of privately owned stormwater facilities, which discharge to the city's stormwater system.

(g) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way or prescribed drainage way. (as added by Ord. #16-877, Oct. 2016, as amended by Ord. #19-939, June 2019 *Ch4_1-23-20*)

18-314--18-315. Deleted. (as deleted by Ord. #15-830, Feb. 2015)

CHAPTER 4**SEWAGE AND HUMAN EXCRETA DISPOSAL****SECTION**

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred feet (200') of any boundary of said property measured along the shortest available right of way.

(2) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(3) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(4) "Human excreta." The bowel and kidney discharges of human beings.

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(6) "Sanitary pit privy." A privy having a fly tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Sewage." All water carried human and household wastes from residences, buildings, or industrial establishments.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (2000 Code, § 18-401)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (2000 Code, § 18-402)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (2000 Code, § 18-403)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (2000 Code, § 18-404)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of

removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (2000 Code, § 18-405)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (2000 Code, § 18-406)

18-407. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (2000 Code, § 18-407)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (2000 Code, § 18-408)

18-409. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (2000 Code, § 18-409)

18-410. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (2000 Code, § 18-410)

18-411. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (2000 Code, § 18-411)

18-412. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening, either natural or

artificial, in any formation which may permit the pollution of ground water. (2000 Code, § 18-412)

18-413. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, but such person shall be allowed the number of days herein provided within which to make permanent correction. (2000 Code, § 18-413)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (2000 Code, §18-414)

18-415. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (2000 Code, § 18-415)

CHAPTER 5**WATER****SECTION**

18-501. To be furnished under franchise.

18-501. To be furnished under franchise. Water service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (2000 Code, § 18-501)

¹The agreements are of record in the office of the city recorder.

CHAPTER 6**STORMWATER UTILITY ORDINANCE****SECTION**

- 18-601. Title and purpose.
- 18-602. Jurisdiction.
- 18-603. Definitions.
- 18-604. Funding of stormwater utility.
- 18-605. Stormwater utility management fund.
- 18-606. Operating budget.
- 18-607. Stormwater user fee established.
- 18-608. Equivalent Residential Unit (ERU).
- 18-609. Property classification for stormwater user fees.
- 18-610. Unit rate.
- 18-611. Property owners to pay charges.
- 18-612. Billing procedures and penalties for late payment.
- 18-613. Appeals of fees.
- 18-614. Stormwater user fee credit policy.
- 18-615. Effective date.

18-601. Title and purpose. This ordinance shall be known as the "Stormwater Utility Ordinance" for the City of Goodlettsville, Tennessee.

(1) **Introduction.** The City of Goodlettsville 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 of Goodlettsville limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater, the reductions 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 water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the stormwater coordinator as part of the Municipal Separate Storm Sewer System (MS4) program.

(2) **Purpose.** The objective of this ordinance is to promote the public health, safety and general welfare of the City of Goodlettsville, Tennessee ("City") and its citizens in compliance with the Federal Clean Water Act, 33 U.S.C. 1251 et seq., and Tennessee Code Annotated, § 68-221-1101 et seq. which require municipalities to implement stormwater management programs, within prescribed time frames, to regulate stormwater discharges to protect water quality; establish adequate systems of collection, conveyance, detention, treatment and release of stormwater; reduce hazards of property and life resulting from stormwater runoff; and enable municipalities to fix and require

payment of fees for the privilege of discharging stormwater. The city finds that a stormwater management system which provides for the treatment of stormwater is of benefit and provides services to all property within the city.

It is further determined and declared that charges shall be established for each parcel of real property located within the municipal limits of the city as provided hereinafter to provide for dedicated funding sources for the administration of stormwater management programs and/or stormwater system of the city. The proceeds of charges so derived shall be used for the purposes of stormwater management including, but not limited to: planning, operation, maintenance, repair, replacement and debt service of the city's stormwater management programs and system necessary to protect the health, safety and welfare of the public. The stormwater utility purpose is to provide stormwater management for the City of Goodlettsville including:

(a) Administer and enforce the City of Goodlettsville Stormwater Management Ordinance;

(b) Administer, plan, and implement stormwater projects to protect, maintain, and enhance the environment of the City of Goodlettsville;

(c) Implement activities necessary to maintain compliance with the city's MS4 National Pollutant Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR section 122.26 for stormwater discharges;

(d) Annually analyze the cost of services provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility and make recommendations for changes therein as necessary to support the stormwater utility services; and,

(e) Advise the board of commissioners and other City of Goodlettsville departments on matters relating to the utility.

(3) Administering entity. The stormwater utility shall be part of the Goodlettsville Stormwater Department. The stormwater utility, under the direction and supervision of the stormwater coordinator or designee, shall administer the provisions of this stormwater utility ordinance as approved by the city administrator. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-602. Jurisdiction. The Stormwater Utility Ordinance shall govern all properties within the corporate limits of the City of Goodlettsville, in Tennessee. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-603. Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "City administrator" means the city manager for the City of Goodlettsville or his/her designee.

(2) "Agricultural property." Property which is zoned agricultural and/or property which yields an annual minimum, or in which the annual minimum has been met in two (2) of the last five (5) years, of one thousand dollars (\$1,000.00) of agricultural products produced and/or sold from the operation of the property. Agricultural production shall include agricultural, forest, and/or livestock production as defined by the United States Department of Agriculture, Natural Resources Conservation Service, Environmental Quality Incentive Program. Proof of agricultural producer status may include IRS Form 1040 Schedule F or other accounting records certified by a tax preparer.

(3) "Base rate" or "unit rate." The stormwater user fee for a detached single family residential property or the rate per ERU for other developed property in the City of Goodlettsville.

(4) "Best Management Practices" or "BMPs." 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 Goodlettsville, and that have been incorporated by reference into the Stormwater Management Ordinance as if fully set out therein.

(5) "Construction." 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, 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.

(6) "Deficient property." Real property that does not have adequate stormwater facilities as required in the latest edition of the City of Goodlettsville Subdivision Regulations and Stormwater Management Ordinance.

(7) "Developed property" means real property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

(8) "Equivalent Residential Unit (ERU)." The representative square footage of a detached single family residential property building site as determined pursuant to this ordinance.

(9) "Exempt property." All public rights-of-way, public streets and public roads, public alleys, public sidewalks and public greenways, public drainage facilities, privately owned residential streets, property that does not discharge stormwater runoff to the stormwater or flood control facilities, owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman under Tennessee law, and railroad right-of-way properties within the City of Goodlettsville. For purposes of this definition, "public" shall mean that which is maintained by or

is or is to be dedicated to the City of Goodlettsville and/or the State of Tennessee or the government of the United States.

(10) "Fiscal year." July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

(11) "Impervious surface." 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.

(12) "Impervious surface area." The number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior limits of the structure, foundations, columns or other means of support or enclosure.

(13) "Manager" means the City of Goodlettsville City Manager or his/her designee who is designated to supervise the operation of the stormwater management programs and system.

(14) "Multi-family residential property" means a residential structure located on a parcel that is designed with five (5) or more dwelling units which accommodate five (5) or more families or groups of individuals living separately and not sharing the same living space.

(15) "Other developed property" means all developed property located within the municipal limits of the city with impervious surface area greater than four hundred (400) square feet other than:

- (a) Residential Property;
- (b) Exempt Property;
- (c) Vacant Property; and
- (d) Park lands/cemetery.

Other developed property shall include commercial properties, industrial properties, apartments, parking lots, hospitals, schools, recreational and cultural facilities, industrial properties, 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 single family residential structure which contains more than four (4) attached dwelling units is specifically included in this definition.

(16) "Park land"/ "cemetery" means all real property owned by federal, state and/or local governments that has been designated by such governmental entity for use as a public park or cemetery.

(17) "Person." 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.

(18) "Property owner." The property owner of record as listed in the city's and/or county's tax assessment roll. A property owner includes any

individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

(19) "Runoff coefficient" is a term used to describe the percentage of precipitation that leaves a particular site as runoff. Runoff is precipitation that does not soak or absorb into the soil surface and is greatly impacted by the amount of impervious surface that exists on a particular site. The runoff coefficient relates the amount of impervious surface to the intensity of development.

(20) "Single family residential property." A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a condominium, a duplex, a triplex, a quadruplex, a villa, or a garden home is included in this definition. A single family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.

(21) "Stormwater" or "storm water." Stormwater runoff, snow melt runoff, surface runoff, infiltration, and drainage.

(22) "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.

(23) "Stormwater management fund" or "fund" means the fund created by this ordinance to operate, maintain, and improve the city's stormwater management system.

(24) "Stormwater system" or "system" means all manmade and natural conveyances and structures, stormwater facilities, and flood control facilities within the corporate limits of the City of Goodlettsville city and all improvements thereto for which the partial or full purpose or use is, among other things, to 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. This includes all natural conveyances

(a) For which the City of Goodlettsville has assumed a level of maintenance responsibility;

(b) To which the City of Goodlettsville has made improvements;

(c) Which have or may pose a threat to public property because of flooding; or

(d) For which the City of Goodlettsville is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

(25) "Stormwater user fee" or "fee." The utility service fee 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 of Goodlettsville. The stormwater user fee is in addition to other fees that the City of Goodlettsville has the right to charge under any other rule or regulation of the City of Goodlettsville.

(26) "Stormwater utility." A management structure that is responsible solely and specifically for the stormwater management program and system.

(27) "Surface water." Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

(28) "Technical advisory committee" shall mean a three-person advisory committee appointed by the city administrator.

(29) "Undeveloped property" shall mean property that has not been developed and does not have more than four hundred (400) square feet of impervious surface area on it.

(30) "User." The owner or customer of record of property subject to the stormwater user fee imposed by this ordinance.

(31) "Vacant/undeveloped property." Property on which there is no structure for which a certificate of occupancy has been issued and does not have more than four hundred (400) square feet of impervious surface area on it. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

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 fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of the City of Goodlettsville Stormwater Management Ordinance and City of Goodlettsville Stormwater Utility Ordinance;
- (3) Stormwater permit and inspection fees; and
- (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 user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City of Goodlettsville funds as may be determined by the board of commissioners. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-605. Stormwater utility management fund. All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility management fund and used to fulfill the purposes of the stormwater utility. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-606. Operating budget. The board of commissioners shall adopt, based on a recommendation from the city administrator, public services director, finance director, public works superintendent and/or stormwater manager/coordinator, an operating budget for the stormwater utility management fund 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. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-607. Stormwater user fee established. There shall be imposed on each and every developed property in the City of Goodlettsville, except exempt property, a stormwater user fee, which will be charged either monthly or as a regular interval charge, which shall be set from time to time by ordinance in the fee schedule as adopted by the City of Goodlettsville, and in the manner and amount prescribed by this ordinance. Prior to establishing or amending the stormwater user fee, the City of Goodlettsville shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City of Goodlettsville at least ten (10) days in advance of the meeting of the board meeting which shall consider the adoption of the fee or its amendment. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-608. Equivalent Residential Unit (ERU). Establishment. The Equivalent Residential Unit (ERU) as a method of measurement is established for the purpose of calculating the stormwater user fees. Such ERU shall be set as two thousand nine hundred (2,900) square feet of impervious area. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-609. Property classification for stormwater user fees.

(1) Property classifications. For purposes of determining the stormwater user fee, all properties in the City of Goodlettsville are classified into one (1) of the following categories:

- (a) Single family residential property;
- (b) Other developed property;
- (c) Vacant/undeveloped property; and
- (d) Exempt property;

(2) Single family residential fee. The board finds that the intensity of development of most parcels of real property in the City of Goodlettsville classified as single family residential is less than the average intensity of development for other developed property and similar to each other and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the impervious surface on each such parcel. Therefore, all single family residential properties in the City of Goodlettsville shall be charged the unit rate for single family residential properties regardless of the size of the parcel or the impervious surface area of the improvements.

(3) Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the City of Goodlettsville shall be charged the unit rate for other developed property multiplied by the number of ERUs on the property as calculated under § 18-610.

(4) Vacant/undeveloped property fee. There shall be no stormwater user fee for vacant/undeveloped property or as otherwise provided by state law. exempt property. There shall be no stormwater user fee for exempt property or as otherwise provided by state law. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-610. Unit rate. The board hereby establishes a unit rate for single family residential property of three dollars and sixty-seven cents (\$3.67) per month. The board hereby establishes a unit rate for other developed property of five dollars and fifty cents (\$5.50) per month per ERU or part thereof. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-611. Property owners to pay charges. The owner of each property/tax lot shall be obligated to pay the stormwater user fee as provided in this ordinance, provided however, that if no water or sewer service is being provided by the City of Goodlettsville or local water utility district at the property to the owner as a customer of record and such service is being provided to a customer of record other than the owner, it shall be presumed that the owner and such customer of record have agreed that the customer of record shall be obligated to pay such stormwater user fee.

If the customer of record other than the owner refuses to pay the stormwater user fee, the owner of each property shall be obligated to pay the stormwater user fee as defined in this ordinance.

Single-family residential properties shall be billed a flat single-family residential fee based on the placement of utility meters. Each unit of a multi-tenant single-family residential building (up to four (4) units) shall be the single family residential fee, to the customer of record for the unit. If units are not individually billed for any water or sewer service, i.e. water and sewer utilities are billed to a master meter, then the parcel owner for the master meter shall be billed as other developed property based on the total impervious surface area.

Multi-family residential (>4 units, apartments) and multi-tenant non-residential properties shall be billed an impervious-based fee according to the placement of parcels, i.e. if the property contains individual unit parcels, then the stormwater user fee shall be billed to individual units based on the unit's pro rata percentage of impervious surface. If the multi-tenant property contains only a master parcel, then the stormwater user fee for the entire impervious surface area shall be billed to the owner of record for such master parcel. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

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

(1) Rate and collection schedule. The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for single family properties within the corporate limits. The stormwater user fee for non-single-family properties within the corporate limits shall be billed and collected quarterly on a direct invoice from the city or with the monthly utility services bills. The stormwater user fee for those properties using city utilities is part of a consolidated statement for utility customers, is generally paid by a single payment to the property owner's water utility or to the City of Goodlettsville Stormwater Department, unless other means of billing is established at any time by the city.

The stormwater user fee for those properties using utilities not provided by the City of Goodlettsville and nonsingle-family properties within the corporate limits shall be billed and collected by the City of Goodlettsville quarterly or as directed by the City's Finance Department.

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 Goodlettsville 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 commissioners as established by an ordinance.

(3) Penalties for late payment; failure to pay. Stormwater user fees shall be subject to a late fee established by ordinance as indicated in the stormwater user fee schedule. The City of Goodlettsville shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater user 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 and may refuse to accept payment of the utility bill from any user without receiving at the same time, payment of the stormwater user fee charges owned by such user and further may refuse to re-establish service until all such fees have been paid in full.

(4) Mandatory statement. Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: "**THIS FEE HAS BEEN MANDATED BY CONGRESS.**" (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-613. Appeals of fees. Any person who disagrees with the calculation of the stormwater user fee, as provided in this ordinance, may appeal such fee determination to the technical advisory committee within sixty (60) days after receipt of stormwater bill is due. Any appeal not filed within the time permitted

by this section shall be deemed waived. The cost of a stormwater fee appeals application fee is two hundred fifty dollars (\$250.00)

All appeals shall be filed in writing addressed to the stormwater manager/coordinator for the City of Goodlettsville 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 of the appeal. The appeal shall be accompanied by an appeal review fee as set forth by the board of commissioners.

The technical advisory committee shall 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.

The technical advisory committee 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 technical advisory committee. Each appeal shall be placed on the technical advisory committee agenda for the next regularly scheduled meeting, within thirty (30) days after the stormwater manager/coordinator receives the written appeal.

The stormwater manager/coordinator 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 technical advisory committee shall be final and conclusive with no further administrative review. If a refund is due, the stormwater manager/coordinator shall authorize the refund which will be provided as the stormwater manager/coordinator deems as necessary. (as added by Ord. #12-781, May 2012, replaced by Ord. #13-807, Dec. 2013, and amended by Ord. #17-895, May 2017)

18-614. Stormwater user fee credit and adjustment policy. A "stormwater user fee credits and adjustments" policy shall be developed by the stormwater manager/coordinator that provides for an appropriate reduction in the stormwater user fee for other developed property for defined actions or activities that reduce the city's cost of service or reduce the property's use of the stormwater system and which are ongoing. Application shall be made in the manner prescribed in the policy document and such user fee credits or adjustments shall be retroactive to the first month in which the unit rates within this ordinance take effect for a period of one (1) year. Thereafter such user fee credits and adjustments shall become effective in the next month or billing cycle after final approval.

The technical advisory committee shall approve all stormwater user fee credits and adjustments. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)

18-615. Effective date. This ordinance shall become effective as of the date of its passage on second reading by the board of commissioners. Stormwater user fees shall be charged as a utility billing for all customers within the corporate city limits. The effective date of the new unit rates shall be April 1, 2014. (as added by Ord. #12-781, May 2012, as replaced by Ord. #13-807, Dec. 2013)