



Wastewater Division Rules and Regulations



Knoxville Utilities Board Rules and Regulations for the Wastewater Division

TABLE OF CONTENTS:

Section I:	Purpose
Section II:	Scope
Section III:	Definitions
Section IV:	Initiation of <i>Wastewater Service</i>
Section V:	Connections to <i>KUB Wastewater System</i>
Section VI:	Interruption of <i>Wastewater Service</i>
Section VII:	Termination of <i>Wastewater Service</i> ; Refusal to Connect <i>Wastewater Service</i>
Section VIII:	<i>Rates for Wastewater Service</i>
Section IX:	<i>Wastewater Charges</i>
Section X:	<i>Billing for Wastewater Service</i>
Section XI:	Authority to Levy Charges and Fees
Section XII:	<i>KUB Wastewater System Extensions</i>
Section XIII:	Intergovernmental Agreements
Section XIV:	<i>KUB Wastewater System</i>
Section XV:	<i>Wastewater Rules & Regulations Enforcement</i>
Section XVI:	<i>Wastewater Rules & Regulations Appeals Board</i>
Appendix A:	<i>Pretreatment Program</i>
Appendix B:	<i>Grease Program</i>
Appendix C:	Enforcement Response Guide - Pretreatment Program
Appendix D:	Enforcement Response Guide - <i>Grease Control Program</i>
Appendix E:	Enforcement Response Guide - Private Service Laterals

Section I. Purpose

It is the intent of the *Knoxville Utilities Board* (“*KUB*”) that these *Rules and Regulations* promote the following principles:

1. Assure the safe and efficient use, administration, operation, expansion, extension, and preservation of *KUB’s wastewater system*.
2. Assure *KUB’s* compliance with all applicable federal, state, and local statutes, regulations, ordinances and with any other requirements of orders, consent decrees, and/or mandates established by the *Environmental Protection Agency (EPA)* or the Tennessee Department of Environment and Conservation (TDEC), including permits for authorization to discharge under the *National Pollutant Discharge Elimination System (NPDES)*; and its *customers’* compliance with these *Rules and Regulations*, *Rate Schedules* for *wastewater service* adopted by the *Board* and any rules of procedure established by *KUB* to implement these *Rules and Regulations*.
3. Promote fair, reasonable, and uniform treatment of *customers* in each of the *rate classes* of *KUB’s Wastewater Division*.
4. Protect our environment through the professional management of our *system* and maintain public confidence in *KUB’s wastewater system*.
5. Encourage economic development by promoting extensions of the *KUB wastewater system*.
6. Simplify, clarify, and modernize the policies governing the operation of *KUB’s Wastewater Division*.
7. Assure that the *KUB wastewater system* operating practices are as uniform as appropriate.
8. Promote the continued evolution and development of *KUB’s wastewater system* operating guidelines and practices.

Section II. Scope

These *Rules and Regulations* apply to the application, implementation, and operation of *KUB’s wastewater system* and the provision of *wastewater service* and have been adopted pursuant to authority granted the *Board* by Section 1106(G) of the *City Charter*.

1. **Conflict.** In addition to these *Rules and Regulations*, the following documents, listed in order of precedence, are hereby made a part of all contracts and are enforceable through all contracts, actual and implied, for *customers* and *users* receiving *wastewater service* from *KUB* and apply to all *wastewater services* received by *customers*, whether the service is based upon contract, agreement, signed application or otherwise:
 - i. the *Wastewater Division Rate Schedules*;
 - ii. these *Rules and Regulations* as may be amended from time to time; and

- iii. any rules of procedure established by *KUB* to implement these *Rules and Regulations*.

In the event of a conflict between the documents listed above, the order of precedence shall govern.

2. **Severability.** If any clause, sentence, paragraph, section or part of these *Rules and Regulations*, any applicable *Wastewater Division Rate Schedule*, or any rules of procedure shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these *Rules and Regulations* or the applicable *Wastewater Division Rate Schedule*, or the applicable rules of procedure.
3. **Authority.** Subject to the limitations set forth in the Charter, these *Rules and Regulations*, applicable *Rate Schedules* and any other official *Board* action or resolution, the *President and CEO*, and his/her designees, has all rights, powers, duties and authorities to implement, and enforce these *Rules and Regulations*. The *President and CEO*, and his/her designees, has all rights, powers, duties, and authorities to establish and enforce rules of procedure and other such policies and programs necessary to implement these *Rules and Regulations*.
4. **Rules and Regulations Oversight Committee.** The *Rules and Regulations Oversight Committee* shall consist of the *Chief Operating Officer (COO)*, the vice president and/or director responsible for the plants and *collection system* of *KUB's wastewater system*, and other members of *KUB* management, as so designated by the *President and CEO*. The *Rules and Regulations Oversight Committee* will provide oversight of the implementation, enforcement and administration of the *Rules and Regulations* and assure that the purposes set forth in the *Rules and Regulations* are adhered to as well as assuring that operating requirements for *KUB's wastewater system* are met according to the requirements established by federal, state, and local laws, regulations, orders or consent decrees. The *Rules and Regulations Oversight Committee* is responsible for recommending changes to the *Rules and Regulations* to the *President and CEO*. Any substantive amendments or changes to these *Rules and Regulations* are subject to the approval of the *President and CEO* and adoption by the *Board* in accordance with the *Board's* procedures.
5. **Access to Premises.** The *customer, user*, and if a different *person*, owner of *premises* to which *wastewater service* is provided shall, by its receipt and acceptance of *wastewater service*, grant to *KUB* permission to access the *premises* at all times for the purpose of:

- i. Reading meters;
- ii. Installing, testing, inspecting, repairing, operating, maintaining, removing, and replacing any *KUB wastewater system* component;
- iii. Clearing hazards away from *KUB's wastewater system*;
- iv. Inspecting and operating the *customer's, user's*, and if a different *person, owner's wastewater* facilities;
- v. Inspecting the *premises*; and
- vi. Providing notifications

in order to determine that *KUB's Rules and Regulations* and/or any rules of procedure implementing these *Rules and Regulations*, and the regulations and requirements of the applicable Tennessee state regulatory authority, are being complied with and to ensure compliance with all applicable federal, state, and local law(s) and regulation(s).

6. **Responsibility for *KUB's Property*.** The *customer, user*, and if a different *person, owner* shall provide a space for and exercise proper care to protect any *KUB* property located on the *premises*; and in the event of loss or damage to *KUB's* property, arising from the negligence to care for said property, the cost of necessary repairs or replacements shall be paid by the negligent party.

No person shall perform excavation without a valid TN811 locate request ticket. The Tennessee Underground Utility Damage Prevention Act specifies the requirements for safe digging or other work near utilities.

7. **Responsibility for Compliance with *Rules and Regulations*.** Every *customer, user*, and if a different *person, owner* shall comply with these *Rules and Regulations, Rate Schedules* of the *Wastewater Division* adopted by the *Board*, and any rules of procedure established by *KUB* to implement these *Rules and Regulations*.
8. **Promotion of Technology.** *KUB* may establish and maintain processes consistent with these *Rules and Regulations* that promote and utilize new technologies for the operation of its *wastewater system* which improve system reliability, increase operational flexibility and/or lower costs of operation. Examples include, but are not limited to, automated remote metering, estimated metering, etc.
9. **Health and Safety.** All *Rules and Regulations* and rules of procedure established to implement these *Rules and Regulations* affecting health and safety, including (without limitation) all provisions relating to inspection, general safety precautions for utilization, operation and maintenance of *KUB's wastewater system*, and rules governing *customer connections* are for the guidance and benefit of *customers, users*, and if a

different *person*, owners, and *KUB* shall not be responsible for the health and safety thereof, or for any loss, damage, or injury resulting from any violation thereof, but *KUB* reserves the right, in its discretion, to refuse to furnish *wastewater service*, or to discontinue furnishing *water service* and/or *wastewater service*, if applicable, where the *customer*, *user*, and if a different *person*, owner fails to comply therewith.

10. **Interpretation.** It is the intent of *KUB* that these *Rules and Regulations* be liberally interpreted.

Section III. Definitions

For the purpose of these *Rules and Regulations*, and unless the context specifically indicates otherwise, the following terms shall have the meaning ascribed:

Wherever the context shall require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

Act or *the act* or *CWA* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as it may be amended, 33 U.S.C. 1251, et seq.

Basic frontage shall mean a frontage of one hundred (100) feet measured at the building line.

Best management practice or *BMP* shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in state rule 1200-4-14-.05(1)(a) and (2). *BMPs* may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

B.O.D. (Biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit), expressed in milligrams per liter.

Board shall mean the *KUB Board of Commissioners*, as appointed from time to time by the Mayor and City Council of the City of Knoxville, Tennessee.

Categorical pretreatment standard or *categorical standard* shall mean any regulation containing *pollutant* discharge limits promulgated by *EPA* in accordance with sections 307(b) and (c) of the *CWA* which apply to specific

categories of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471, as may be amended.

C.O.D. (chemical oxygen demand) shall mean the quantity of oxygen utilized in the rapid oxidation of organic matter by a strong chemical oxidant in accordance with "*Standard Methods*," expressed in milligrams per liter.

Chief Executive Officer or President and CEO shall mean the *President and Chief Executive Officer* of the *Knoxville Utilities Board*.

Chief Operating Officer or COO shall mean the *Chief Operating Officer* of the *Knoxville Utilities Board*. The *COO*, subject to the supervision of the *CEO*, shall administer, implement, and enforce the provisions of these *Rules and Regulations*.

Chlorine demand shall mean the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after thirty (30) minutes contact time, expressed in milligrams per liter.

City shall mean the City of Knoxville, Tennessee.

Collection system shall mean *sewers, wastewater mains, pump stations* and other equipment for the conveyance of *wastewater* to the *treatment works*.

Color shall be measured by a Nessler tube colorimeter utilizing a standard platinum cobalt color wheel for the determination of *color* in water.

Commercial and industrial use shall mean all uses with the exception of *domestic use* as defined in these *Rules and Regulations*.

Compatible waste shall mean biochemical oxygen demand, *suspended solids, pH* and fecal coliform bacteria; plus any additional *pollutants* identified in a *publicly-owned treatment works NPDES permit*, for which the *publicly-owned treatment works* is designed to treat such *pollutants* and in fact does treat such *pollutants* to a substantial degree.

Composite sample shall mean a collection of individual *grab samples* obtained at regular intervals, either based on time intervals or flow intervals (e.g. every two hours during a 24-hour time span or every 1000 gallons of process wastewater produced). Each individual *grab sample* is either combined with the others or analyzed individually and the results averaged.

Connection shall mean any physical tie or hookup made to the *KUB wastewater system*.

Connection charge shall mean that charge levied to defray the expenditure required to process the application, inspect the *connection* and approve the discharge permit.

Contribution in Aid of Construction (CIAC) shall mean a payment required of the *customer* for the extension of *KUB's wastewater system*.

Cooling water shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

Customer shall mean any *person* who receives *wastewater service* from *KUB* under either an express or implied contract requiring such *person* to pay *KUB* for such service. The term shall also include illicit *users* of *wastewater service* from *KUB*.

Domestic use of the wastewater system shall be defined and limited to single-family, multifamily, apartment or other *dwelling unit* or *dwelling unit equivalent* containing sanitary facilities for disposal of domestic *wastewater* and used for residential purposes only.

Dwelling unit shall mean any structure occupied by one or more *persons* of a single family for residential purposes. Apartment buildings and other structures occupied by more than one family shall be considered multiple *dwelling units*.

Dwelling unit equivalent is that daily *wastewater* flow volume equal to the daily *wastewater* flow volume of one single-family *dwelling unit* which, for the purposes intended in these regulations, is established at one hundred sixty seven (167) gallons per day or two hundred fifty (250) gallons per day with peaking factor.

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

Extra strength wastewater shall be defined as any *wastewater* that has any characteristic or combination of characteristics exceeding the characteristics of *normal domestic wastewater* and that requires effort or expenditure over and above that required for *treatment* of *normal domestic wastewater*.

Fee is any amount levied that is: (1) infrequent in nature, and/or (2) generally not consumption based, and/or (3) set at the discretion of management of *KUB* as authorized by the *Board*, but does not include a *rate*.

Floating oil and grease is oil, fat or grease in a physical state such that it will separate by gravity from *wastewater* by *treatment* in an approved *pretreatment*

facility. *Wastewater* shall be considered free of floatable oil and grease if it is properly pretreated and does not interfere with the *wastewater system*.

Food processing industry means any commercial user whose primary business is the preparation of food products.

Food service facility or *FSF* means any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food.

Grab sample is an individual sample taken from a waste stream without regard to the flow in the waste stream and collected over a period of time not exceeding fifteen (15) minutes and must be representative of the discharge.

Grease and oil shall mean the group of substances with similar physical characteristics, which includes fatty acids, soaps, fats, waxes, oil and any other material solvent extracted and not volatilized during evaporation of the solvent.

Incompatible waste shall mean all *pollutants* other than compatible as defined within.

Industrial user (IU) shall mean a source of discharge of *industrial wastewater* into the *treatment* works that does not constitute a "discharge of *pollutants*" under regulations issued pursuant to Section 402, of the *Act*.

Industrial wastewater is the solid, liquid and gaseous wastes, other than domestic *wastewater*, resulting from processes or operations employed in industrial or commercial establishments.

Infiltration means groundwater and surface water which leaks into the *wastewater system* through cracked pipes, joints, manholes, *private service laterals* or other openings.

Inflow means water that flows into the *wastewater system* from the surface, streams, roof drains, down spouts, *private service laterals* or other sources.

Influent means the *wastewaters* arriving at the *treatment plants*.

Interference shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the *collection system*, including but not limited to events,

- A. which are a cause of or significantly contributes to a violation of any requirement of *KUB's NPDES permit* (including an increase in the magnitude or duration of a violation); or

- B. which cause or significantly contribute to an increase in the discharge of *pollutants* above normal conditions or an increase in the cost of operation of the *treatment plants* above normal conditions; or
- C. which cause or significantly contribute to the prevention of sludge use or disposal by *KUB*. An *industrial user* significantly contributes to such *interference* or prevention of sludge use or disposal whenever such user:
 - i. discharges a daily *pollutant* load in excess of that permitted by the provisions of these *Rules and Regulations* or by federal or state law and regulations;
 - ii. discharges *wastewater* which substantially differs in nature or constituents from the user's average discharge; or
 - iii. knows or has reason to know that the user's discharge, along or in conjunction with discharge from other sources, would result in a *NPDES permit* violation by *KUB* or would prevent sludge use or disposal.

Knoxville Utilities Board, or KUB, shall mean the *Knoxville Utilities Board* of the City of Knoxville, Tennessee, or, as the context requires, the management of *KUB*, its contractors or agents.

Meeting means an informal compliance meeting with the industrial, domestic or commercial user to resolve recurring noncompliance.

Maintenance, operations and management (MOM) program means the program for the efficient and proper operation and maintenance of the *wastewater collection system* and includes, but is not limited to, a *collection system* operations plan, a *grease* management plan, a maintenance management plan and a training program for appropriate personnel of the *Wastewater Division* of *KUB*.

Natural outlet shall mean any outlet, including *storm sewer* overflows, into a water-course pond, ditch, lake or other body of surface or groundwater.

National pretreatment standards or pretreatment standards shall mean 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*. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.

National pollutant discharge elimination system or NPDES permit shall mean a permit issued to a *POTW* pursuant to Section 402 of the *Act*.

New Source means 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* which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of *pollutants* at an existing source; or
- C. The production or *wastewater* generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.
 - i. 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 this section but otherwise alters, replaces, or adds to existing process or production equipment.
 - ii. Construction of a *new source* as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or

installation of *new source* facilities or equipment; or

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

Normal domestic wastewater shall be regarded as "normal" for Knoxville. *Normal domestic wastewater* shall contain a daily average of not more than two thousand five hundred (2,500) pounds (three hundred (300) milligrams per liter) of *suspended solids*; not more than two thousand (2,000) pounds (two hundred forty (240) milligrams per liter) of *B.O.D.*; and not more than four hundred seventeen (417) pounds (fifty (50) milligrams per liter) of *grease and oil*, each, per million gallons.

NONC means *Notice of Non-Compliance*, which is a verbal or written notice sent to a *user* who is not complying with the *Wastewater Rules and Regulations* which may result in issuance of a *Notice of Violation* if the *user* does not come into compliance within a specified time frame. It is not required that KUB issue an *NONC* before taking more stringent enforcement action.

NOV means *Notice of Violation*, which is a written enforcement action issued to a *user* who fails to abide by the *Wastewater Rules and Regulations* that may result in further enforcement action including, but not limited to, termination of *water* and *wastewater services*, if the violation is not corrected within a specified time frame.

Pass through means a discharge which exits the *treatment plant* 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 *KUB's NPDES permit* (including an increase in the magnitude or duration of a violation).

PC means *Pretreatment Coordinator*.

Person shall mean any individual, partnership, firm, company, association, society, corporation, limited liability company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns. This definition includes all federal, state and local governmental entities and shall also include illicit *users of wastewater service* from *KUB*.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A stabilized *pH* will be considered as a *pH* which does not change beyond the specified limits of 5.5 to 9.5 when the waste is subjected to aeration.

Plumbing inspector shall mean the *plumbing inspector* of the *City* and the like official for Knox County.

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

Premises shall mean any structure, group of structures, or property, whether occupied or unoccupied, operated as a single business, enterprise, or *dwelling unit*, but shall not include more than one *dwelling unit*.

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

Private Service Lateral means that portion of a sanitary sewer pipe, including that portion in the public right of way, that extends from *KUB's wastewater main* to the single-family, multi-family, apartment or other dwelling unit, or other structure to which *wastewater service* has been provided. *Private service lateral* does not include connector joints that have been installed by *KUB*.

Private wastewater system is any *wastewater system* owned and maintained by the *customer*, whose operation is regulated by *KUB* and entities other than *KUB*, including but not limited to the applicable local or state regulatory authority.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the *POTW*, with no particle greater than one-half (1/2) inch in any dimension.

Publicly-owned treatment works or *POTW* means a treatment works as defined by section 212 of the CWA (33 U.S.C. § 1292), including any devices or systems designed, intended, or used in the collection, storage, *treatment*, recycling and reclamation of *wastewater*.

Publish, unless otherwise indicated, means the publishing in a newspaper of general circulation the name, address, and date of a *user's* violation of KUB's Pretreatment Program or Grease Control Program as part of KUB's enforcement response.

Rate is any quantitative value used to determine an amount levied on a *customer* directly related to the provision of *wastewater service*, as set forth in a *Wastewater Division Rate Schedule* adopted by the *Board*.

Rules and Regulations means the rules and regulations adopted by the *Board* governing the operation and use of *KUB's wastewater system*.

Sanitary sewer is a pipe or conduit intended to receive domestic *wastewater* along with commercial and industrial waste, without the admixture of surface water and storm water.

Sanitary wastewater shall mean *wastewater* discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions, and shall be free from storm, ground, surface and other forms of *unpolluted water*.

SAR means Semi-Annual Report to the State from *KUB*.

Sewer shall mean a pipe or conduit for carrying *wastewater*.

Sewer improvement charge shall mean the amount charged to the owner or occupant of each occupied lot or parcel of land, which is furnished access to *wastewater* lines to finance and amortize construction of the *wastewater system* extension.

Sewer service charge and wastewater service charge shall be synonymous and shall mean the amount charged to the *customer* for operation, maintenance and capital improvements for the *wastewater system*.

Show Cause Order means an *Administrative Order* that calls for a formal meeting requiring the *industrial user*, *commercial user*, or *domestic customer* to appear and demonstrate why *KUB* should not take an appropriate enforcement action against the *person*. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

Significant Industrial User.

- A. Except as provided in paragraph B. of this section, the term *Significant Industrial User* means:

- i. All *industrial users* subject to *categorical pretreatment standards* under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- ii. Any other *industrial user* that: discharges an average of 25,000 gallons per day or more of process *wastewater* to the *POTW* (excluding sanitary, noncontact cooling and boiler blow down *wastewater*); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the *treatment plant*; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the *industrial user* has a reasonable potential for adversely affecting the *POTW's* operation or for violating any *pretreatment standard* or requirement (in accordance with 40 CFR 403.8(f)(6)).
- iii. KUB 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 100 gallons per day (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:
 - a. The Industrial User, prior to KUB's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Appendix A Section 24(B) together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.

B. Upon a finding that an *industrial user* meeting the criteria in paragraph (ii) of this section has no reasonable potential for adversely affecting the *POTW's* operation or for violating any *pretreatment standard* or requirement, *KUB* may at any time, on its own initiative or in response to a petition received from an *industrial user*, and in accordance with 40 CFR 403.8(f)(6), determine that such *industrial user* is not a *significant industrial user*.

Significant Non-Compliance or *SNC* means: An *industrial user* or commercial user is in *significant non-compliance* if its violation meets one or more of the

criteria set forth in *KUB's Pretreatment Program* (Appendix A) and in accordance with 40 CFR 403.8(f)(2)(vii).

Slug shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause *interference* or *pass through*, or in any other way violate *KUB's* regulations, local limits or permit conditions.

SRH means Service Renewal Hearing. A meeting with the *customer* to determine whether service may be restored.

Standard industrial classification or *SIC* shall mean a classification pursuant to the National Industrial Classification Manual issued by the Executive of the President, Office of Management and Budget, 1972.

Standard Methods shall mean *Standard Methods for the Examination of Water and Wastewater*, latest edition, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

Storm sewer or *storm drain* shall mean a pipe, downspout or conduit, ditch or canal which carries storm and surface waters and drainage, *cooling water* or other water, but excludes *wastewater*.

Submission means:

- A. A request by *KUB* for approval of a *Pretreatment Program* to the *EPA* or *TDEC*;
- B. A request by *KUB* to the *EPA* or *TDEC* for authority to revise the discharge limits in *categorical Pretreatment Standards* to reflect *KUB pollutant* removals; or
- C. A request by *KUB* to the *EPA* by the State for approval of its State *pretreatment* program.

Suspended solids shall mean solids that either float on the surface of or are in suspension in *wastewater*, and which are removable by laboratory filtering.

TBI means Tennessee Bureau of Investigation.

Toxic pollutant shall mean any *pollutant* or combination of *pollutants* listed as toxic and which is under regulation promulgated by the administrator or the *Environmental Protection Agency* under the provision of 33 U.S.C. 1317, Section 307.

Treatment plant means that portion of the *POTW*, which is designed to provide *treatment* (including recycling and reclamation of municipal sewage and industrial waste).

Twenty-four-hour flow proportional composite sample shall mean a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the *wastewater system*.

User shall mean any *premise* having a *connection* to the *KUB wastewater system* or having access thereto. The term shall include illicit *users* of *wastewater service* from *KUB*.

Wastewater and/or *wastewater service* shall mean the water-carried wastes from residences, business and commercial buildings, institutions and industrial establishments, singular or in any combination together via the *KUB wastewater system* with such unintended ground, surface and storm water as may be present.

Wastewater Division or *division* shall mean the part of the *KUB system* having charge of the physical operation and financial oversight of *KUB's wastewater system*.

Wastewater main shall mean the principal or major pipes in the *wastewater system* conveying *wastewater*.

Wastewater system shall mean all facilities for collecting, pumping, treating and disposing of *wastewater* and sludge.

Water Management Division Director means one of the Directors of the Water Management Divisions within the Regional offices of the *EPA* or this person's delegated representative.

Section IV. Initiation of *Wastewater Service*

- 1. Residential use.** A formal request for either original or additional *wastewater service* must be made to *KUB* by the *customer* and be duly approved by *KUB* before *connection* to the *KUB wastewater system* is made. The receipt by *KUB* of a prospective *customer's* request for *wastewater service* shall not obligate *KUB* to render *wastewater service*. *KUB* may, at its sole discretion, require the *customer* to provide security,

assurance, or guaranty prior to *KUB* rendering *wastewater service*. If the service requested would cause *KUB* to exceed its capacity to collect, transport or treat the *customer's wastewater*, or such service cannot be supplied in accordance with *KUB's Rules and Regulations* and any rules of procedure established to implement these *Rules and Regulations*, the *customer* shall not be charged the *connection charge* and there shall be no liability on the part of *KUB* to the requestor for the refusal of such service.

2. Commercial and Industrial use; *Pretreatment Program*; and *Grease Control Program* A formal request for either original or additional *wastewater service* must be made to *KUB* and be duly approved before *connection* is made. The request shall be in the prescribed form according to the *Pretreatment Program*, which program is attached hereto as Appendix A and is incorporated in its entirety into the *Rules and Regulations* by reference. The receipt by *KUB* of a prospective *customer's* request for *wastewater service* shall not obligate *KUB* to render the *wastewater service*. *KUB* may, at its sole discretion, require the *customer* to provide security, assurance, or guaranty prior to *KUB* rendering *wastewater service*. If the service requested would cause *KUB* to exceed its capacity to collect, transport or treat the *customer's wastewater*, or such service cannot be supplied in accordance with *KUB's Rules and Regulations*, any rules of procedure established to implement these *Rules and Regulations*, and general practice, the *customer's* request for services will be denied by *KUB* and, in such event, the *customer* shall not be charged the *connection charge* and there shall be no liability of *KUB* to the requestor for refusal of such service. All *food service facilities* whose requests are accepted by *KUB* shall comply with the provisions of the *Grease Control Program* attached hereto as Appendix B and which Program is incorporated into these *Rules and Regulations* by reference.

3. Intergovernmental agreements. At *KUB's* sole discretion, *KUB* may receive, treat and dispose of the *wastewater* of municipalities, utility districts, and unincorporated areas. Any *person* owning or controlling *premises* located beyond the current *KUB wastewater system* desiring to install a plumbing system for the purpose of discharging domestic *wastewater* and/or industrial waste into the *wastewater system* of *KUB* must comply with all applicable federal, state and local laws, ordinances, regulations and *KUB's Rules and Regulations* and any rules of procedure established to implement these *Rules and Regulations*. *KUB* may enter into an agreement with said municipalities and unincorporated areas at *KUB's* sole discretion. There shall be no liability on the part of *KUB* to the requestor for refusal of such service.

4. *Private wastewater systems*. At *KUB's* sole discretion, *KUB* may receive, treat and dispose of the *wastewater* of *private wastewater*

systems within or without the current *KUB wastewater system* area of service. Any *person* owning or controlling *premises* either within or without the current *KUB wastewater system* area of service desiring to install a plumbing system for the purpose of discharging domestic *wastewater*, commercial and/or industrial waste into the *wastewater system* of *KUB* must comply with all applicable federal, state and local laws, ordinances, regulations and *KUB's Rules and Regulations* and any rules of procedure established to implement these *Rules and Regulations*. *KUB* may enter into an agreement with said *persons* at *KUB's* sole discretion. There shall be no liability on the part of *KUB* to the requestor for refusal of such service.

Section V. Connections to *KUB Wastewater System*

1. **Availability.** *Wastewater service* shall be deemed available if: (1) The property is improved with structures; (2) occupied structures are within 300 linear feet of the *wastewater system*; (3) the *wastewater system* contains sufficient capacity to allow for the collection, transportation and treatment of the added *wastewater* volume; and (4) either *wastewater mains* of sufficient depth to allow gravity flow from the main floor are adjacent to any property line or a pressurized *wastewater private service lateral connection* to the *wastewater main* is provided at the property line.

Notwithstanding the preceding requirements, *wastewater service* will not be considered available if: (1) the *wastewater system* is farther than 50 feet from the *customer's* property line; (2) an easement is required on a separate parcel to access the *wastewater system*; (3) a railroad crossing permit is required to access the *wastewater system*; or (4) a body of water or wetland lies between the occupied structure and the *wastewater system* that would prohibit the installation.

The *premises* will be further evaluated to determine availability of *wastewater service* by *KUB*, in its sole discretion, if: (1) *wastewater main* depth is in excess of 12 feet; (2) *wastewater main* size is greater than 12 inches; (3) a storm drain, other utility, road embankment, concrete barrier or other obstruction impedes the installation; or (4) there are other special situations not provided for in these *Rules and Regulations*.

2. **Connections; inspection and rehabilitation of *private service laterals*.**
 - A. All *connections* to *KUB wastewater mains* are to be made in accordance with all applicable *KUB* standards and specifications.

All costs and expenses incident to the installation, *connection* and inspection of the *private service lateral* shall be borne by the owner. If for any reason a *connection* cannot be made in accordance with *KUB* standards and specifications, exceptions may be approved by *KUB*, at its sole discretion.

- B. The *Plumbing Inspector* for the *City* for *connections* within the *City* and the appropriate regulatory authority for the area of *connection* outside the *City* must inspect and approve the *wastewater service connection* and all *private service laterals* before any underground portion is covered and/or placed in service.

- C. Whenever it comes to *KUB*'s attention that a *private service lateral* may contain defects and or improper *connections* that (1) are potential sources to the *wastewater system* of extraneous ground or surface water infiltration and inflow ("I/I") that may cause or contribute to wet weather overflows in the *wastewater system*, (2) allow for the possible exfiltration of *wastewater* onto or below the surface of the ground that could then enter the *City's* municipal separate storm sewer system, or (3) allow roots/debris to enter the *wastewater system* through cracks, holes or poorly sealed joints thus restricting flow and leading to possible dry weather or wet weather overflows in the *wastewater system* reflecting that there has been a failure on the part of the property owner or *user* to maintain the *private service lateral*, in accordance with *KUB*'s standards and specifications and the Standard Plumbing Code of the *City* in violation of these *Rules and Regulations*, written notice shall be given by *KUB* to such *customer, user*, or if a different *person, owner* or duly authorized agent, of such failure. The notice, with a copy to the *City's* Plumbing Inspector, will provide, to the extent such information is available, (i) details concerning lateral age, material, and construction standards, (ii) photos of smoke in vicinity of the *private service lateral*, (iii) mainline CCTV images of dyed water discharging from the *private service lateral*, (iv) CCTV photos of the interior of the *private service lateral* and (v) written description of dye testing procedures used to identify cross connections or illicit discharges.

Such notice may be given either by personal service on the *customer, user*, or if a different *person, owner*, or duly authorized agent, or by certified letter addressed to the last known place of residence of such *customer, user*, or if a different *person, owner* or his duly authorized agent; and proof of the mailing of such letter shall satisfy that the notice requirement has been accomplished.

In the case of nonresident or unknown owners, service of the notice may be made by publication in a daily newspaper, published in the *City* or in a newspaper of general circulation within the service area, for a period of three (3) days. Upon completion of such publication, the notice requirement will be satisfied.

The notice in each case shall specify what is required of the *customer, user, or if a different person, owner* with respect to the *private service lateral*, in order to bring same into compliance with the standards, specifications, the Code and these *Rules and Regulations*. The notice shall advise the *customer, user, or if a different person, owner* that a plumbing permit must be obtained and the repair work completed by no later than one hundred twenty (120) days of the date of service of the notice, or, the *customer, user, or if a different person, owner* must initiate an appeal in accordance with the appeals process set forth in these *Rules and Regulations*. If the *customer, user, or if a different person, owner* fails to complete the work in the specified time or timely appeal such requirement, then the *customer, user, or if a different person, owner* may be subject to a finding of violation by *KUB* and be subject to enforcement in accordance with the provisions of these *Rules and Regulations*, which may include, at *KUB's* sole discretion, termination by *KUB* of *water and/or wastewater services*.

- D. *Private service laterals* that have been previously used but have been abandoned may be used in connection with new buildings only when approved by *KUB* and applicable local plumbing code. Abandoned *private service laterals* must be discontinued according to the standards and specifications of *KUB*.
- E. *KUB* may, at its sole discretion, inspect *private service laterals* to ensure proper operation and condition of such *private service laterals* in order to protect the *KUB wastewater system*.
- F. Each individual property owner shall be entirely responsible for the maintenance, including repair and rehabilitation, of the *private service lateral* in accordance with *KUB's* standards and specifications and these *Rules and Regulations*, and the most recent Standard Plumbing Code, as modified and adopted by the *City* or the appropriate regulatory authority for the area of *connection* outside of the *City*. However, *KUB* may, in its sole discretion, as a courtesy to the property owner, elect to be responsible for the repair and rehabilitation of the portion of the *private service lateral* located in the public right-of-way (the portion of the *private service lateral* extending from or near the property line to *KUB's wastewater main*).

3. Prohibited connections

- A. A *connection* which discharges any substance or solution which is not intended to be transported via the *wastewater system* is prohibited. In addition to the prohibitions contained in the Pretreatment Program (Appendix A), prohibited substances and solutions include, but are not limited to, storm water surface water, groundwater, roof run-off, subsurface drainage, *unpolluted water*, *cooling water*, and *grease*. *Connections* which discharge prohibited substances into *KUB's wastewater system* include, but are not limited to, *storm sewers*, *storm drains*, downspouts, leaking *private service laterals* or similar *connections*.
- B. The *person* who is discharging or causing to be discharged any prohibited substance or solution shall stop such discharge or bring the discharge into compliance with all applicable federal, state and local laws and *KUB's* standards and specifications and these *Rules and Regulations*.

4. Required connections

Any *owner*, tenant or occupant of a lot or parcel of land, upon which a building exists for residential, commercial or industrial use, shall be required to make a direct *connection* of such building to the *KUB wastewater system*, provided *wastewater service* is available as defined under Section V. (1.). Where *wastewater service* is available, it will be presumed that the required *connection* has been made and the *owner*, tenant or occupant will be billed for *wastewater service*. In the event *KUB* has knowledge that any such building is not connected to the *KUB wastewater system*, *KUB* reserves the right, in accordance with Tennessee state law (T.C.A. 7-35-201), and in addition to any other right or remedy it may have, to (a) refuse *water service* to such *owner*, tenant or occupant until such building is connected to the *KUB wastewater system* or (b) discontinue water service to such *owner*, tenant or occupant failing to connect such building to the *KUB wastewater system* within the time specified in the notice from *KUB* of the requirement to connect, but in no event later than one hundred eighty days (180) days from the receipt of such notice from *KUB*.

Section VI. Interruption of Wastewater Service

KUB shall not be liable for any damage resulting from failure of any *KUB wastewater system* component, or by discontinuing the operation of any segment of its *wastewater system* for repair, extensions or connections, or from the accidental failure of its *wastewater system* from any cause whatsoever or the termination of *water* and *wastewater services* as the result of violations by any

customer, user, and if a different person, owner, of any applicable federal, state and local laws and/or these Rules and Regulations and any rules of procedure established to implement these Rules and Regulations. In cases of emergency, KUB shall have the right to restrict the use of its wastewater system in any reasonable manner for the protection of KUB's wastewater system, customers, the public, and the environment.

Section VII. Termination of Wastewater Service; Refusal to Connect Wastewater Service

KUB has the right to terminate or refuse wastewater service to a customer by discontinuing water or wastewater service based on limited capacity of its wastewater system, outstanding debts owed to KUB related to the non-payment of utility bills, a dispute as to the ownership or right to occupancy of the premises requesting wastewater service, a violation of these Rules and Regulations, a violation of a customer contract, a violation of any rules of procedure established to implement these Rules and Regulations, non-payment of a utility bill by the customer, a violation of any other applicable rule, law, or ordinance, or any other legitimate reason deemed in KUB's best interests and the best interests of KUB's wastewater system.

Section VIII. Rates for Wastewater Service

Wastewater service rates shall be set forth in the Wastewater Division Rate Schedules as adopted by the KUB Board.

Section IX. Wastewater Charges

Charges for wastewater service shall be based upon the Rate Schedules of the Wastewater Division as adopted by the KUB Board.

- 1. Single-point delivery.** *The rates included in the Rate Schedules of the Wastewater Division are based upon the supply of service to the entire premises through a single delivery and metering point. If service is rendered to any customers or premises through more than one delivery point, KUB reserves the right to meter and to bill each such delivery point as a separate service.*
- 2. Multiple services through a single meter.** *In the event KUB allows more than one customer or premise to be served through a single service line and meter, the amount of water used by all the customers and premises served through a single service line and meter shall be allocated to each separate customer or premise thus served in such a manner as determined by KUB in its sole discretion. The wastewater charge for each such customer or premise thus served shall be computed just as if each such customer or premise had received*

through a separately metered service the amount of water so allocated to it, such computation to be made at *KUB's* applicable *wastewater rates*, including the provisions as to minimum bills. The separate charges for each *customer* or *premise* served through a single service line and meter shall then be added together and the sum thereof shall be billed to the *customer* in whose name the service is supplied.

3. **Secondary meters.** Any *customer* that desires to use a secondary meter to reduce *wastewater* charges for water not discharged to *KUB's wastewater system* must request such service from *KUB*. All costs and expenses incident to the installation of the secondary meter shall be borne by the *customer*. Once installed, the secondary meter shall become the property of *KUB's wastewater system*.
4. **Wastewater meters.** Any *customer* that needs to use a wastewater meter to separately meter discharges to the *wastewater system* must request such service from *KUB*. *KUB* may authorize the use of a wastewater meter at its sole discretion. All costs and expenses incident to the installation of the wastewater meter shall be borne by the *customer*. Once connected, the wastewater meter shall become property of *KUB's wastewater system*.
5. **Alternate water supplies.** Individuals with dwellings with wells or sources of water supply other than municipal water supplies that are available and/or subject to discharge to the *wastewater system* will be charged for *wastewater services* at the sole discretion of *KUB*.

Section X. Billing for *Wastewater Service*

The billing for *wastewater service* shall be in accordance with the *Rate Schedules* of the *Wastewater Division* as adopted by the *Board* and this section of these *Rules and Regulations*.

1. **Minimum charges.** The minimum charge, if any, will be as stated in the *Rate Schedules* of the *Wastewater Division*.
2. **Due dates.** *Wastewater service* bills must be paid on or before the due date shown, otherwise a late *fee* shall be applied. Failure to receive a bill will not release a *customer* from payment obligations, nor extend the due date. In the event bills are not paid on or before the due date, water service and/or *wastewater service* may be discontinued and not resumed again until all bills are paid, and *KUB* shall not be liable for damages on account of discontinued service at any time after the due date, even though payment of such bills be made on the same date either before or after service is actually discontinued.

3. **Estimated billing.** *KUB* may periodically estimate a *customer's* wastewater use and submit to *customer* for payment such estimated service bill.
4. **Billing adjustments.** *KUB* may adjust *customer* billing for reasons including but not limited to the following: billing for over or under registration of meters, for leaks, for the determination of water use by *customers* when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are determined by *KUB*.

Section XI. Authority to Levy Charges and Fees

Under the provisions of the City Charter and of the general laws of the State of Tennessee, *KUB* is authorized and empowered to fix, levy and collect *fees*, rents, tolls or other charges for the use of or in connection with the *KUB wastewater system*. This authorization includes but is not limited to the establishment, levy and collection of a service charge, *connection charge*, improvement charge, extra strength surcharge, or other charges deemed necessary. The *CEO* and/or his/her designee may establish policies addressing the establishment of charges and *fees* associated with *wastewater service*.

Section XII. *KUB Wastewater System Extensions*

1. General Extension Policy

- A. The investment that *KUB* will make, if any, toward an extension of the *KUB wastewater system* will be equitably determined by *KUB* on the basis of economic and/or technical feasibility. In making such determination, *KUB* shall consider the total capital cost, the anticipated revenues, the estimated expenses associated with the extension, such other economic factors as *KUB* may deem appropriate under the circumstances and the availability of adequate collection, transportation and treatment capacity in the *wastewater system*. *KUB* may require the *person* to pay a *CIAC*.
- B. *Persons* desiring *wastewater system* extensions to and within new developments, including but not limited to land development projects and new subdivisions, shall be required to design and install all *wastewater mains* and related facilities to support the new development. In addition, such *persons* shall be required to pay a tap fee toward the cost of connecting the *wastewater mains* in the new development to the *wastewater system*.
- C. *KUB* may require the *person* to execute an extension agreement which requires and/or provides for assurances or other security or credit arrangements as may be required by *KUB* in its sole

discretion, with respect to the extension, including, but not limited to, refundable construction advances, minimum demand or bill requirements, and such other forms of security, assurance, and/or guaranty, as *KUB* determines to be necessary or appropriate to protect the interest of *KUB* and its *customers*. *KUB* shall not be obligated to provide refunds unless specified in a contract. In no event shall a refund be in excess of the amount of the advance for or actual cost of construction.

- D. *KUB* shall have the authority to extend its *wastewater system* in a manner different from that set forth in these *Rules and Regulations* and charge a *CIAC* when any such extension is determined to be in the best interest of *KUB*, economic interest of the community, or to the benefit of the public health of the community.
- E. The authority to make *wastewater system* extensions is in *KUB's* sole discretion even though all requirements have been met. Nothing contained herein shall be construed as requiring *KUB* to extend *wastewater service* to any property. *KUB wastewater system* extensions shall not be denied on the basis of race, sex, religion, color, age or national origin.

2. Construction of *KUB Wastewater System*

- A. *KUB's wastewater system* shall be constructed by *KUB* personnel or by a contractor acceptable to *KUB*.
- B. The size, type, and installation of *wastewater system* components shall comply with *KUB's standards and specifications* and must be approved by *KUB*.
- C. Construction work on *KUB's wastewater system* shall at all times be subject to inspection by *KUB* to assure that the work conforms to *KUB's standards and specifications*.
- D. No approval or inspection by *KUB* hereunder shall relieve the *customer, person* or the contractor of the *customer* or *person* of any liability for work performed on the *KUB wastewater system*.
- E. Upon the completion of construction and subsequent inspection and approval by *KUB* such construction shall become the property of *KUB* and thereafter become a part of *KUB's wastewater system*. The *persons* paying the cost of construction shall execute any written instrument requested by *KUB* to provide evidence of *KUB's* title. In consideration of such being transferred to *KUB*, *KUB* shall

incorporate such as an integral part of *KUB's wastewater system* in accordance with these *Rules and Regulations*.

F. *KUB* may, at the request of a *person*, relocate or change existing *KUB wastewater system* components. The *person* may be required to reimburse *KUB* for costs of such relocation or change including but not limited to appropriate overheads and associated costs for easement acquisitions. When a public right-of-way is changed for the benefit of private interests and *KUB's wastewater system* must be adjusted to accommodate said change, the cost of such adjustments shall be paid in advance on a non-refundable basis by the requesting parties.

3. **Construction and Responsibility for *Private Wastewater Systems*.** *KUB* reserves the authority to allow and/or deny *private wastewater systems* within the *KUB wastewater system* service territory. Any such *private wastewater system* shall be approved by *KUB* and any other governing entities, including but not limited to the applicable local or state regulatory authority. The owner of the *private wastewater system*, such as the developer, the developer's legally authorized successor, property owner, etc. shall retain ownership of and be responsible for all operation and maintenance of the *private wastewater system*. If determined by *KUB* that the *private wastewater system* violates any applicable federal, state or local laws, or regulations or these *Rules and Regulations*, then *KUB* has the authority to require the owner of the *private wastewater system* to rectify the violation at the owner of the *private wastewater system's* expense. *KUB* has the authority and reserves the right to enter on the property and to rectify the violation and seek reimbursement from the owner of the *private wastewater system* for fees, violations, and costs borne by *KUB* to rectify the violation.

Section XIII. Intergovernmental Agreements

At *KUB's* sole discretion, *KUB* may enter into contracts with any municipality, county, incorporated district, or other governmental entity or agency or any *person*, firm or corporation for the treatment and disposal of *wastewater* collected and pumped or delivered to some part of the *KUB wastewater system*, provided, however, that the charges to be paid for the *treatment* and disposal of such *wastewater* shall not be less than an amount which is fair and equitable in accordance with the applicable *Rate Schedule* of the *Wastewater Division*, taking into account the cost to *KUB* of the treatment and disposal and other costs to its *Wastewater Division*.

Section XIV. KUB Wastewater System

KUB has the authority to prevent the introduction of *pollutants* into its *wastewater system* that will interfere with the operation of the *wastewater system* or *treatment plants*; contaminate sewage sludge; cause a violation of any federal or state permit (i.e. *NPDES Permit*), order or consent decree; or cause deterioration in *KUB's wastewater collection system*, force mains, pumping stations, and all other structures appurtenant to *KUB's wastewater system*. The *Board* shall adopt *Rules and Regulations* for the prevention of *pollutants* into *KUB's wastewater system*, including but not limited to provisions addressing compliance with federal and state law, final orders and consent decrees, permitting requirements for *KUB's wastewater system, treatment plants*, inspections and permitting of hauled waste providers, etc.

Section XV. Wastewater Rules and Regulations Enforcement

1. **Violation deemed public nuisance.** It shall constitute a public nuisance and shall be unlawful for any *customer, user*, and if a different *person, owner* to discharge into or otherwise use *KUB's wastewater system* in any manner in violation of these *Rules and Regulations* or of any condition of an industrial or commercial discharge permit.
2. **KUB to notify customer of violation.** Whenever *KUB* determines or has reasonable cause to believe that a discharge into or other use of *KUB's wastewater system* has occurred in violation of these *Rules and Regulations*, the *customer's, user's*, and if a different *person, owner's* *wastewater* discharge permit, or any other applicable law or regulation, then *KUB* shall notify the *customer, user*, and if a different *person, owner* of such violation. Failure of *KUB* to provide notice of a violation to a *customer, user*, and if a different *person, owner* shall not in any way relieve the *customer, user*, and if a different *person, owner* from any consequences of such a discharge or the *customer's, user's*, and if a different *person, owner's* responsibility to fully comply with the applicable requirements.
3. **Conciliation Meeting.** *KUB* may, but shall not be required to, invite the *customer, user*, and if a different *person, owner* and/or representatives of the *customer, user*, and if a different *person, owner* to a conciliation *meeting* to discuss the violation and methods of correcting the cause of violation. Such additional *meetings* as *KUB* and the *customer, user*, and if a different *person, owner* deem advisable may be held to resolve the problem. If the *customer, user*, and if a different *person, owner* and *KUB* can agree to appropriate remedial and preventative measures, they shall commit such agreement to writing with provisions for a reasonable compliance

schedule and the schedule shall be incorporated as a supplemental condition to the *customer's, user's, and if a different person, owner's wastewater* discharge permit, if applicable. KUB may terminate the conciliation process and commence enforcement action at any time to assure *customer's, user's, and if a different person, owner's* compliance.

4. **Show cause hearing.** *KUB* may issue a show cause notice to the *customer, user, and if a different person, owner* directing the *customer, user, and if a different person, owner* to appear before the designated *KUB* official at a specified date and time to show cause why the *customer, user, and if a different person, owner* should not be issued a civil penalty, have the *customer's, user's, and if a different person, owner's wastewater* discharge permit, if applicable, modified, suspended, or revoked, or have the *customer's, user's, and if a different person, owner's water and/or wastewater* services terminated, for causing or suffering a violation of these *Rules and Regulations* or other applicable laws or regulations. At least fourteen (14) days prior to the scheduled show cause hearing date, *KUB* will mail to the *customer, user, and if a different person, owner, via certified mail, return receipt requested, or shall personally deliver to the customer, user, and if a different person, owner* written notice of the nature of the violation, any proposed changes to the *customer's, user's, and if a different person, owner's wastewater* discharge permit, if applicable, and/or other control techniques necessary to rectify the violation.
5. **Injunctive Relief.** Upon a decision by the *President and CEO, KUB* shall have the right to file in circuit or chancery court of Knox County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, and/or other appropriate relief to enforce the provisions of these *Rules and Regulations* and/or any and all applicable federal, state, and local laws and regulation(s). Suit may be brought to recover any and all damages, fines, and expenses suffered by *KUB* as a result of any action or inaction of any *customer, user, and if a different person, owner* who causes damage to occur to *KUB's wastewater system* or for any other expense, loss, or damage of any kind or nature suffered by *KUB*, including but not limited to, any penalties or fines imposed on *KUB* as the result of the violations of the *customer, user, or if a different person, owner*.
6. **Assessment of damages.** When a discharge into *KUB's wastewater system* in violation of these *Rules and Regulations* and/or any applicable federal, state or local law and regulation occurs and causes an obstruction, damage, or any other impairment of *KUB's wastewater system*, or any expense of whatever character or nature to *KUB*, then

KUB may assess the expenses it incurred to remedy the violation, clear the obstruction, repair damage to its *wastewater system*, and any other expense or damage incurred by *KUB*. *KUB* shall send a written claim to the *customer, user*, and if a different *person, owner* causing said damages to occur seeking reimbursement for any and all expenses or damages suffered by *KUB*. *KUB* may take such measures as shall be appropriate to recover any damages or other expense suffered by *KUB*, plus reasonable attorney's *fees*, if the claim is not paid by the *customer, user*, and if a different *person, owner* within 14 days or such other time as *KUB* shall specify of the date such claim was served on the *customer, user*, and if a different *person, owner* by personal service or by sending a registered letter to the *customer, user*, and if a different *person, owner*.

7. **Petition for federal or state enforcement.** In addition to other remedies for enforcement provided herein, *KUB* may petition the State of Tennessee or the United States *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 law to insure compliance by *customers, users*, and if a different *person, owners* of applicable *pretreatment standards*, to prevent the introduction of toxic *pollutants* or other regulated *pollutants* into the *KUB wastewater system*, or to prevent such violations of applicable federal, state and local laws or other water pollution as may be regulated by state or federal law.

8. **Emergency termination of service.** In the event of an actual or threatened discharge by any *customer, user*, and if a different *person, owner* to *KUB's wastewater system* which, in the sole opinion of *KUB*, presents or may present an imminent and substantial endangerment to the health or welfare of any *person* or the environment, or cause *interference* with the *wastewater system*, then in addition to any other remedy *KUB* has available to it, *KUB* reserves the right to immediately terminate water and *wastewater service* to said *customer, user*, and if a different *person, owner* causing the emergency and require assistance in abating the emergency until the emergency situation has been abated or corrected at the expense of the *customer, user*, and if a different *person, owner* causing the emergency. Nothing herein is intended to limit *KUB's* right to terminate *water and wastewater services* for any other reason provided for in these *Rules and Regulations* or federal or state laws.

9. **Civil penalties and/or termination of services for violations of these *Rules and Regulations*.**

A. Any person who:

- i. Violates an effluent standard or limitation;
- ii. Violates the terms or conditions of a *wastewater* discharge permit
- iii. Fails to complete a filing or reporting requirement
- iv. Fails to perform or properly report any required monitoring
- v. Violates any provision of 40 CFR Part 400 Subchapter N- Effluent Guidelines and Standards as may be amended, revised, or modified from time to time
- vi. Violates any provision of T.C.A. 69-3-101 et. seq., as may be amended or modified from time to time by an act of the Tennessee General Assembly
- vii. Violates a final order or determination of the Appeals Board
- viii. Fails to pay any established *wastewater service* charge, fine, penalty or industrial cost recovery charge; or
- ix. Otherwise violates any applicable federal, state or local law or regulation, or any of the provisions of these *Rules and Regulations*

may, at *KUB's* sole discretion, and after receipt of a notice of violation, be subject to (a) a civil penalty of up to ten thousand dollars (\$10,000.00) per violation, (b) termination of *water* and/or *wastewater services*, (c) the suspension, modification or revocation of permit, if applicable, or any condition thereof, or (d) any combination thereof.

B. Each violation shall constitute a separate offense and each day of violation shall be deemed a separate and distinct violation.

C. In assessing civil penalties *KUB* may consider the following:

- i. Magnitude of the violation
- ii. Duration of the violation

- iii. Effect of the violation on *KUB's wastewater system*
- iv. Compliance history of the *customer, user*, and if a different *person, owner*
- v. Good faith efforts of the *customer, user*, and if a different *person, owner* to correct the violation
- vi. Economic benefit derived by the *customer, user*, and if a different *person, owner* as the result of the violation
- vii. The *customer's, user's*, and if a different *person, owner's* ability to pay

10. **Enforcement Response Guides for *Pretreatment Program and Grease Program Violations*.** The Enforcement Response Guide-*Pretreatment Program*, attached to these *Rules and Regulations* as Appendix C and the Enforcement Response Guide-*Grease Program*, attached to these *Rules and Regulations* as Appendix D, both of which are incorporated herein by reference, contain the general procedures summarizing how *KUB* investigates and responds to instances of *industrial user* and *commercial user* violations under the *Pretreatment Program* (Appendix A) and the *Grease Control Program* (Appendix B), respectively.

Section XVI. Appeals Board.

1. **Duties and powers of the Appeals Board.** *KUB* shall have an appeals board consisting of the *Rules and Regulations Oversight Committee* and others as may be appointed by the *President and CEO* from time to time (the "Appeals Board"). The *COO* shall serve as the chairman of the Appeals Board and shall appoint an acting chairman from the other members of the Oversight Committee in the event the *COO* is unable to attend a meeting of the Appeals Board. The Appeals Board shall have the authority to:
 - A. Hear an appeal brought by a *KUB customer, user*, and if a different *person, owner* for any enforcement action taken by *KUB* in connection with these *Rules and Regulations*, or related to *KUB's* enforcement of a *wastewater* discharge permit, or any federal, state, or local law or regulation provided that said enforcement action results in a civil penalty and/or termination of service;
 - B. Grant exceptions pursuant to the *pretreatment* and treatment provisions of these *Rules and Regulations* and to determine such issues of law and fact necessary to perform this duty;

- C. Hold hearings upon appeals from orders or actions of *KUB* as may be provided under any provisions of these *Rules and Regulations* or federal, state, and local laws and regulations;
 - D. Issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the Appeals Board;
 - E. Administer oaths to those persons giving testimony before the Appeals Board.
2. **Right to Appeal.** A *customer* who claims to be aggrieved in connection with a finding by *KUB* of a violation of these *Rules and Regulations* or of a *wastewater* discharge permit, if applicable, that results in the issuance of a civil penalty; and/or of the termination of *water* and *wastewater services*, (except no appeal may be made for the emergency termination of services in accordance with Section XV, paragraph 8 of these *Rules and Regulations* or the Emergency Suspension of Services, Section VII.A., of the *Grease Control Program*, Appendix B) may file an appeal with the Appeals Board. The appeal must be submitted to the Appeals Board in writing within fourteen (14) days of receiving from *KUB* the notice of a finding of violation by the *customer* of these *Rules and Regulations*, or the violation of a *wastewater* discharge permit, if applicable, that results in the issuance of a civil penalty, or the termination of *water* and *wastewater services* by *KUB* as the result of such finding of violation.
3. **Appeals Board hearing procedures.**
- A. The Appeals Board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by a provision of this Section.
 - B. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The Appeals Board shall make a record of such hearing, but the record need not be a verbatim record. Any party coming before the Appeals Board shall have the right to have said hearing recorded stenographically or electronically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the Appeals Board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the Appeals Board with the original of the transcription so that it may be certified to the court.

- C. The chairman of the Appeals Board, or his designee, may issue subpoenas requiring attendance and testimony of a witness or the production of evidence, or both. A request for the issuance of a subpoena shall be made by lodging with the Appeals Board 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 of the Appeals Board, the same shall be delivered to the chief of police for service by any police officer of the *City*. If the witness does not reside in the *City*, the Appeals Board 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 the most recent version of Rules 26-33 of the Tennessee Rules of Civil Procedure, with the Appeals Board or its designees to rule on such matters as would require a ruling by the court under said rules.
- E. The party bringing the appeal bears the affirmative burden of proof and shall first call his witness, to be followed by the witness called by other parties, to be followed by any witness that the Appeals Board may desire to call. Rebuttal witnesses shall be called in the same order. The chairman of the Appeals Board, or his designee, 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 the approval of the Appeals Board. The Appeals Board, the representatives of *KUB*, and all parties shall have the right to examine any witness. The Appeals Board shall not be bound by or limited to rules of evidence applicable to legal proceedings.
- F. Any *customer* aggrieved by any order or determination by *KUB* pertaining to the *customer's* violation of these *Rules and Regulations*, which includes the issuance of civil penalties may appeal said order or determination to the Appeals Board under the provisions of this section. A written notice of appeal shall be filed with the COO and said notice shall set forth with particularity the action or inaction of *KUB* complained of and the relief sought by the *customer* filing said appeal. A special meeting of the Appeals Board may be called by the chairman upon the filing of such appeal, and the Appeals Board may, in its discretion, suspend the operation of the order or determination of *KUB* appealed from until such time as the Appeals Board has acted upon the appeal.

Provided, however, that actions and determinations of *KUB* under the provisions of Section XV, paragraph 8, "Emergency Termination of Service," and under provisions of Section VII.A., "Emergency Suspension of Services", of the *Grease Control Program* (Appendix B) inclusive shall not be subject to review by the Appeals Board.

- G. Any *person* aggrieved by any final order or determination of the Appeals Board hereunder shall have the right of judicial review in the appropriate state court by common law writ of certiorari.
4. **Scope of Authority.** The Appeals Board shall address administrative related matters exclusively; it shall not have the authority to establish, amend or revoke *Rules and Regulations* or to make policy decisions.
 5. **Adequate Staffing.** *KUB* shall provide such staff services as may be required for the efficient and effective operation of the Appeals Board through its *Wastewater Division*.



Knoxville Utilities Board
Rules and Regulations of the Wastewater Division
Appendix A – Pretreatment Program

TABLE OF CONTENTS:

Section I.	Prohibitions and Limitations on Discharges into <i>Publicly Owned Treatment Works (POTW)</i>
Section II.	Permits, Reports and Records
Section III.	Inspections, Monitoring and Entry
Section IV.	Dangerous Discharge Reports
Section V.	Enforcement and Abatement

Section I. Prohibitions and Limitations on Discharges Into *Publicly Owned Treatment Works (POTW)*

1. Definitions. The terms used in this Appendix shall have the same meanings as set forth in *KUB's Wastewater Division's Rules and Regulations* of which this Appendix is incorporated by reference, unless this Appendix clearly indicates a different intention.

2. Purpose and policy. The purpose of this Appendix is to prevent the introduction of *pollutants* into the *POTW* which will interfere with the operation of the *POTW*, contaminate sewage sludge, *pass through* the *treatment plants* thus violating the *NPDES* permits, or cause deterioration or blockage in the sewers, force mains, pumping stations and other structures appurtenant to the *treatment plants*. *KUB* shall provide to TDEC such information (such as whole effluent biological toxicity testing) as is required by TDEC for issuing an *NPDES* permit

3. Prohibited discharges. A user may not discharge any pollutant(s) which cause *pass through* or *interference*. These general prohibitions and the specific prohibitions listed in this section apply to each *industrial user* discharging pollutants whether or not the *user* is subject to other National Pretreatment Standards or any, national, State, or local *pretreatment* requirements. Notwithstanding discharges that are prohibited by other provisions of the *Rules and Regulations* and applicable federal, state and local laws and regulations, no *person* shall discharge or cause to be discharged to a sanitary any of the following described substance materials, water or wastes:

- A. Any gasoline, benzene, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solids or gas. *Pollutants* which create a fire or explosion hazard in the *POTW*, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
- B. Any waters or wastes, acid or alkaline in reaction, or having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the *wastewater system*. Free acids and alkalis of such wastes must be neutralized at all times to a *pH* within the local limits of the plant receiving the discharge. This includes pollutants which will cause corrosive structural damage to the *treatment plant or collection system*, but in no case discharges with pH lower than 5.0.
- C. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, chemical residues, paint residues, cannery waste bulk solids, *grease and oil* or other solid or viscous substances capable of causing obstruction to the flow in sewers, or other *interference* with the proper operation of the *POTW*.

- D. Any *pollutant*, including oxygen demanding *pollutants* (*BOD*, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause *interference* with the *treatment plant* and/or *collection system*.
- E. Heat in the amount, which will inhibit biological activity in the *treatment plant* or result in *interference*, but in no case heat in such quantities that the temperature at the *treatment plant's influent* exceeds one hundred (100) degrees Fahrenheit (thirty-seven (37) degrees Celsius).
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause *interference* or *pass through*.
- G. A *user* may not introduce into the *POTW* any *pollutants*, which will cause a toxic *pass through* or *interference* or result in the presence of toxic gases, vapors, or fumes within the *treatment plant* or *collection system* in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by *KUB*.
- I. Any material in violation of the *customer's pretreatment* permit or authorization issued by *KUB*.

4. Wastewater constituent evaluation. The *wastewater* of every *industrial user* shall be evaluated upon the following criteria:

- A. Any element or compound, which is not adequately removed by the *treatment plant* which is known to be an environmental hazard.
- B. Concentrated dye wastes, spent canning solutions or other wastes, which are highly colored. Maximum apparent *color* concentration shall not exceed one thousand (1,000) *color* units.
- C. Any *pollutant* which does not comply with federal standards promulgated pursuant to the *Clean Water Act* of 1977 and amendments thereto and any more stringent state and local standards.
- D. Any *wastewater* which, by interaction with other *wastewater* in the *POTW*, creates any condition deleterious to structures and treatment processes, or any noxious or malodorous gas or substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing personnel entry into sewers for their maintenance and repair.

- E. *Wastewater* causing *interference* with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation and reuse or causing *interference* with the reclamation process.
- F. *Wastewater* having constituents and concentrations in excess of those listed in section 1, paragraph 5, "National *pretreatment* standards," or cause a violation of the limits in section 1, paragraph 13, "Criteria to protect the *treatment plant influent*." *KUB* shall establish reasonable limitations or prohibitions in the *wastewater* discharge permit of any *user* that discharges *wastewater* violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this Appendix.
- G. Local Limits Table in section 1, paragraph 13, "Criteria to protect the *treatment plant influent*."

5. National *pretreatment* standards.

- A. 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 this Appendix. Compliance with *national pretreatment standards* for existing sources subject to such standards or for existing sources which hereafter become 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.
- B. "New Source 90 Day Compliance" Compliance by existing sources with *categorical pretreatment standards* shall be within 3 years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR. Existing sources, which become *industrial users* subsequent to promulgation of an applicable *categorical pretreatment standard*, shall be considered existing *industrial users* except where such sources meet the definition of a *new source* as defined in *KUB's Rules and Regulations* for the *Wastewater Division*. *New sources* shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable *pretreatment standards* before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), *new sources* must meet all applicable *categorical pretreatment standards*.

- C. *KUB* shall comply with the public participation requirements of 40 CFR parts 25 in the enforcement of *national pretreatment standards*. These procedures shall include provision for at least annual public notification, in the largest daily newspaper published in Knoxville, Tennessee of *industrial users* that, at any time during the previous twelve months, were in *significant noncompliance* with applicable *pretreatment standards*. For the purposes of this provision, an industrial user is in *significant noncompliance* if its violation meets one or more of the following criteria:
- i. Chronic violations of *wastewater* discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by state rules;
 - ii. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each *pollutant* parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by state rules multiplied by the applicable TRC (TRC=1.4 for *BOD*, TSS, fats, oil, and grease, and 1.2 for all other *pollutants* except *pH*. TRC calculations for pH are not required by this rule.
 - iii. Any other violation of a *pretreatment* standard or requirement as defined by state rules (daily maximum, long-term average, instantaneous limit, or narrative standard) that *KUB* determines has caused, alone or in combination with other discharges, *interference* or *pass through* (including but not limited to endangering the health of *KUB* personnel or the general public);
 - iv. Any discharge of a *pollutant* that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the *KUB's* exercise of its emergency authority under section 4, "Dangerous discharge reports," to halt or prevent such a discharge;
 - v. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - vi. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - vii. Failure to accurately report noncompliance;

- viii. Any other violation or group of violations, which may include a violation of *Best Management Practices*, which *KUB* determines, will adversely affect the operation or implementation of this Appendix.

6. Unpolluted water. Without written permission of *KUB*, *unpolluted water*, including, but not limited to *cooling water* or process water, shall not be discharged through direct or indirect *connections* to the *POTW*. Also without written permission of *KUB* no *person* shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage or *cooling water*, such as from boilers, air conditioning systems and the like to the *POTW*.

7. Radioactive wastes. No *person* shall discharge or permit to be discharged any toxic radioactive isotopes without written permission of *KUB*.

8. Limitations on use of garbage grinders. Waste from garbage grinders shall not be discharged into *KUB's wastewater system* except where generated in preparation of food consumed on the *premises*. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the *sanitary sewers*. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

9. Limitations on point of discharge. No *person* shall discharge any substance directly into a manhole or other opening in *KUB's wastewater system* other than through an approved *private service lateral*, unless *KUB* shall have issued the *customer* a temporary permit. *KUB* shall incorporate into such temporary permit such conditions as *KUB* deems necessary to insure compliance with the provisions of this section and the *user* shall be required to pay applicable charges and *fees* therefore.

10. Commercial wastewater disposal services.

A. Permit. No *person* shall clean out, drain or flush any septic tank or any other type of *wastewater* or excreta disposal system within the service area of *KUB* unless such *person* obtains a permit from *KUB* to perform such acts or services. Any *person* desiring a permit to perform such services shall file with the *Chief Operations Officer* an application for such permit on the prescribed form. Upon any such application, said permit shall be issued by *KUB* when the conditions of this chapter have been met and providing *KUB* is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

B. Limitations. Only domestic sewage can be discharged to the *treatment plant*.

- C. Fees.** For each permit issued under the provisions of this article an annual service charge therefore shall be paid to *KUB*, said service charge to be as specified in the applicable *Wastewater Division Rate* Schedule. Any such permit granted shall be for one full fiscal year of *KUB* or a fraction thereof, and the full service charge shall be payable for any fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.
- D. Designated disposal locations.** *KUB* shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any *person* to empty or clean such equipment at any place other than a place so designated.
- E. Revocation of permit.** Failure to comply with all the provisions of this Appendix and the *Rules and Regulations* and all applicable federal, state and local laws and regulations shall be sufficient cause for the revocation of such permit by the *KUB*. The possession within the *KUB* service area by any *person* of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or *wastewater* or excreta disposal system cleaning unit shall be prima facie evidence that such *person* is engaged in the business of cleaning, draining or flushing septic tanks or other *wastewater* or excreta disposal systems within the *KUB* service area.

11. Other holding tank waste. No *person* shall discharge any other holding tank waste into the *treatment plant* unless such *person* shall have applied for and have been issued a permit by *KUB*. 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, 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 *KUB*. 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

12. Grease removal. All *food service facilities* discharging *wastewater* to the *POTW*, in addition to the other provisions of the *Rules and Regulations*, shall comply with the provisions of *KUB's Grease Control Program* as set forth in Appendix B, as amended from time to time, and which program is incorporated in its entirety into this Appendix and the *Rules and Regulations* by reference.

13. Criteria to protect the *treatment plant influent*.

- A. KUB shall periodically monitor the *treatment plant influent* for the development of headworks Plant Protection Criteria (PPC).** The *industrial users* shall be subject to the reporting and monitoring requirements set forth in these regulations and the *categorical pretreatment standards*. In the event that the *influent* at the *treatment plant* reaches or exceeds the levels established in the PPC, *KUB* shall initiate technical studies to determine the cause of the *influent* violation, and shall recommend such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised *pretreatment* levels for these parameters. *KUB* shall also recommend changes to any of these criteria in the event the *treatment plant's* effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the *treatment plant*. No statement in this article is intended or may be construed to prohibit *KUB* from establishing more restrictive specific *wastewater* discharge criteria where wastes are determined by *KUB* to be harmful or destructive to the *POTW*, or to create a public nuisance, or to cause the discharge of any *treatment plant* operated by *KUB* to violate effluent or stream quality standards imposed or as may be imposed by the TDEC and/or the *EPA*, or to exceed industrial standards for discharge to the *POTW* as imposed or as may be imposed by TDEC and/or the *EPA*.
- B. Industrial Effluent Sampling at least Once Per Year.** *KUB* shall randomly sample and analyze the effluent from *industrial users* and conduct surveillance activities in order to identify, independent of information supplied by *industrial users*, occasional and continuing noncompliance with *pretreatment* and *categorical standards*. *KUB* shall inspect and sample the effluent from each *significant industrial user* at least once a year.
- C. Slug Control.** *KUB* shall evaluate, at least once every two years, whether each such *significant industrial user* needs a plan to control *slug* discharges. For purposes of this subsection, in addition to the definition of the term as found in the *Rules and Regulations*, a *slug* discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause *interference* or *pass through*, or in any other way violate *KUB's* regulations, local limits or permit conditions. The results of such activities shall be available to the State of Tennessee upon request. *Significant Industrial Users* are required to notify *KUB* immediately of any changes at its facility affecting potential for a *slug* discharge. If *KUB* determines a slug discharge control plan is necessary it should contain, at a minimum, the following elements:
- i. Description of discharge practices, including non-routine batch discharges;
 - ii. Description of stored chemicals;

- iii. Procedures for immediately notifying the *KUB* 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 days;
- iv. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic *pollutants* (including solvents), and/or measures and equipment for emergency response.

D. Headworks Plant Protection Criteria and Local Limits. These have been developed by *KUB* as required in 40 CFR 403.5(c)(1). *KUB* shall provide the State a written technical evaluation of the need to revise the local limits (40 CFR 122.21(j)(4)). The current local limits and plant protection criteria for *KUB's treatment plants* are on the following pages. (Tables I and II).

Table I
HEADWORKS PLANT PROTECTION CRITERIA
mg/l

POLLUTANT	KUWAHEE	FOURTH CREEK	LOVES CREEK	EASTBRIDGE
	WWTP	WWTP	WWTP	WWTP
Copper	0.425	0.425	0.425	0.425
Chromium, Total	0.352	0.352	0.352	0.352
Nickel	0.232	0.232	0.232	0.232
Cadmium	0.028	0.028	0.028	0.028
Lead	0.198	0.198	0.085	0.085
Mercury	0.00142	0.00142	0.00021	0.0014
Zinc	0.582	0.582	0.425	0.425
Silver	0.025	0.025	0.025	0.025
Cyanide	0.063	0.093	0.063	0.085
Petroleum grease	50.000	50.000	50.000	50.000
Surfactants (MBAS and CTAS)	2.805	2.805	2.805	2.805
Toluene	0.182	0.182	0.182	0.182
Benzene	0.011	0.011	0.011	0.011
1,1,1-Trichloroethane	0.213	0.213	0.213	0.213
Ethylbenzene	0.034	0.034	0.034	0.034
Carbon tetrachloride	0.037	0.054	0.054	0.054
Chloroform	0.016	0.190	0.190	0.190
Tetrachloroethylene	0.118	0.118	0.118	0.118
Trichloroethylene	0.011	0.085	0.085	0.085
1,2 Transdichloroethylene	0.006	0.006	0.006	0.006
Methylene chloride	0.082	0.082	0.082	0.082
Phenol	0.386	0.386	0.386	0.386
Naphthalene	0.011	0.011	0.011	0.011
Total phthalates	0.366	0.366	0.366	0.366

Revised 2000

Table II
LOCAL LIMITS
mg/l

POLLUTANT	KUWAHEE	FOURTH CREEK	LOVES CREEK	EASTBRIDGE
	WWTP	WWTP	WWTP	WWTP
Copper	4.192	4.748	4.378	2.465
Chromium, Total	3.469	3.929	3.623	2.040
Nickel	2.286	2.590	2.388	1.345
Cadmium	0.276	0.312	0.288	0.162
Lead	1.950	2.208	0.876	0.493
Mercury	0.014	0.016	0.002	0.008
Zinc	5.742	6.504	4.378	2.456
Silver	0.247	0.279	0.258	0.145
Cyanide	0.622	1.037	0.647	0.493
Total Oil and Grease	100.000	100.000	100.000	100.000
Petroleum grease	50.000	50.000	50.000	50.000
Surfactants (MBAS and CTAS)	27.664	31.335	28.892	16.269
Toluene	1.796	2.035	1.876	1.056
Benzene	0.109	0.124	0.114	0.064
1,1,1-Trichloroethane	2.096	2.374	2.189	1.233
Ethylbenzene	0.335	0.380	0.350	0.197
Carbon tetrachloride	0.367	0.598	0.552	0.311
Chloroform	0.155	2.124	1.958	1.103
Tetrachloroethylene	1.164	1.319	1.216	0.685
Trichloroethylene	0.107	0.950	0.876	0.493
1,2 Transdichloroethylene	0.063	0.071	0.066	0.037
Methylene chloride	0.806	0.913	0.842	0.474
Phenol	3.811	4.316	3.980	2.241
Naphthalene	0.105	0.119	0.109	0.062
Total phthalates	3.605	4.083	3.765	2.120
OTHER LIMITS:				
pH (SU)	5.5-11.0	5.5-11.0	6.0-9.0	6.0-9.0
TPH (mg/l)	10.000	10.000	10.000	10.000
LEL (%)	< 5	< 5	< 5	< 5
MICROTOX (%)	> 5	> 5	> 5	> 5
NITRITE (mg/l)	5.000	5.000	5.000	5.000

Revised 2011

14. Pretreatment facilities. Where *pretreatment* facilities are provided for commercial or *industrial wastewater*, they shall be maintained continuously in satisfactory and effective operation by the *customer* or *user* at his expense, and shall be subject to periodic inspection by *KUB*. The *customer* or *user* shall maintain operating records and shall submit to *KUB* a summary report as may be prescribed by *KUB* to show satisfactory performance of the pretreatment facilities. All analytical tests shall be performed by an approved laboratory, either commercial or in plant in accordance with procedures established in 40 CFR 136.

15. Design and construction. All commercial or *industrial users* of the *wastewater* facilities who elect or are required to construct new or additional facilities for *pretreatment*, equalization or other process necessary for compliance with the provisions of this article shall submit plans, specifications and other pertinent information relative to the proposed construction to *KUB* for approval. Plans and specifications submitted for approval must bear the seal of a registered (in Tennessee) professional engineer. Written approval of *KUB* must be obtained before construction of new or additional facilities may begin. The plans, specifications and other pertinent information submitted to *KUB* for approval will be retained as file material for future reference.

16. Sampling BMR. The *industrial user* shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated *pollutants* in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

The information shall be in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(b)(5) for a baseline monitoring report. *KUB* may allow the submission of a baseline report, which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial *pretreatment* measures.

The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected *pollutant* discharges to *KUB*. The baseline report applies to any *industrial user* subject to *national pretreatment* and *categorical standards* (Categorical Industries). As *new source* reports are due 90 days prior to commencement of discharge, *new sources* shall give estimates of the information requested in paragraphs (b)(4) and (b)(5) of 40 CFR 403.12.

17. 90-Day Report Requirements.

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users.

Report on compliance with *categorical pretreatment standard* deadline - Within 90 days following the date for final compliance with applicable *categorical pretreatment standards* or in the case of a *new source* following commencement of the introduction of

wastewater into *KUB*, any *industrial user* subject to *categorical standards* and requirements shall submit to *KUB* a report containing the information described in paragraphs (b) (4)-(6) of 40 CFR 403.12. This report shall be in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(d).

18. Sampling PCR. The reports required in paragraph (e) of 40 CFR 403.12 (Periodic Report on Compliance) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. *KUB* shall require that frequency of monitoring necessary to assess and assure compliance by *industrial users* with applicable *pretreatment standards* and *categorical standards* requirements.

KUB shall require appropriate reporting from those *industrial users* with discharges that are not subject to *categorical pretreatment standards*. Significant noncategorical *industrial users* shall submit to *KUB* at least once every six months (on dates specified by *KUB*) a report in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(g)(3) & (h).

19. SIU Reports.

All SIUs and Non-Significant Categorical Industrial Users are required to submit periodic compliance reports.

KUB shall require appropriate reporting from those *industrial users* with discharges that are not subject to *categorical pretreatment standards*. Significant noncategorical *industrial users* shall submit to *KUB* at least once every six months (on dates specified by *KUB*) a description of the nature, concentration, and flow of the *pollutants* required to be reported by *KUB*. These reports shall be in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(h). *KUB* shall report to the State the information in a format as specified by the State and shall at a minimum contain the information required in 40 CFR 403.12(h).

In cases where the *pretreatment* standard requires compliance with a *Best Management Practice* (or pollution prevention alternative), the *industrial user* shall submit documentation required by *KUB* to determine the compliance status of the *industrial user*. In cases where an industrial discharge permit requires compliance with a *Best Management Practice* or pollution prevention alternative, the *industrial user* must submit reports based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 CFR part 136 and amendments thereto to determine the compliance status of the *industrial user*. Sampling and analysis may be performed by *KUB* in lieu of the *industrial user*.

20. Sampling and Reporting. The reports required for baseline monitoring, compliance with pretreatment standard deadlines, continued compliance, and for *industrial users* not subject to *categorical pretreatment standards*, must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. *KUB*

shall require that frequency of monitoring necessary to assess and assure compliance by *industrial users* with applicable *pretreatment* standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by *KUB*. Where time-proportional composite sampling or grab sampling is authorized by *KUB*, the samples must be representative of the discharge and the decision to allow alternative sampling must be documented in the *industrial user* file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & 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 *KUB*, as appropriate.

21. Extra Sampling. If an *industrial user* subject to the reporting requirement in Tennessee Rule 1200-4-14-.12(7)(f) monitors any *pollutant* more frequently than required by *KUB*, using the procedures prescribed in paragraph (g)(5) of 40 CFR 403.12, the results of this monitoring shall be included in the report.

If sampling performed by an *industrial user* indicates a violation, the user shall notify *KUB* within 24 hours of becoming aware of the violation. The *industrial user* shall also repeat the sampling and analysis and submit the results of the repeat analysis to *KUB* within 30 days after becoming aware of the violation. Where *KUB* has performed the sampling and analysis in lieu of the *industrial user*, *KUB* must perform the repeat sampling and analysis unless it notifies the *industrial user* of the violation and requires them to perform the repeat analysis. Resampling is not required if:

- A. *KUB* performs sampling at the *industrial user* at a frequency of at least once per month, or
- B. *KUB* performs sampling at the *industrial user* between the time when the user performs its initial sampling and the time when the *industrial user* receives the results of this sampling.

22. Sampling for Baseline Monitoring and 90-Day Compliance Reports

For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, *KUB* may authorize a lower minimum. For reports required for compliance monitoring and categorical industrial users, *KUB* shall require the number of grab samples necessary to assess and assure compliance by *industrial users* with applicable *pretreatment* standards and requirements.

23. New Source BMR. Reporting requirements for *industrial users* upon effective date of *categorical pretreatment standard*-baseline report. Within 180 days after the effective date of a *categorical pretreatment standard*, or 180 days after the final administrative decision made upon a category determination *submission* under 403.6(a)(4), whichever is later, existing *industrial users* subject to such *categorical pretreatment standards* and currently discharging to or scheduled to discharge to *KUB* shall be required to submit to *KUB* a report which contains the information listed under 40 CFR 403.12(b)(1)-(7). At least 90 days prior to commencement of discharge, *new sources*, and sources that become *industrial users* subsequent to the promulgation of an applicable *categorical standard*, shall be required to submit to *KUB* a report which contains the information listed under 40 CFR 403.12(b)(1)-(5) of this section. *New sources* shall also be required to include in this report information on the method of *pretreatment* the source intends to use to meet applicable *categorical pretreatment standards*. *New sources* shall give estimates of the information requested in paragraphs (b) (4) and (5) of 40 CFR 403.12. These reports shall be in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(b).

24. Signatory Requirements. The reports required by paragraphs (b), (d), and (e) of 40 CFR 403.12 and paragraphs 16, 17, 18, 19, and 20 of Section I of this Appendix shall include the certification statement as set forth in 403.6(a)(2)(ii), and shall be signed by a duly authorized representative as defined in 40 CFR 403.12(l).

- A. Any *person* signing the report submitted pursuant to this section shall make the following certification:

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

- B. Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by KUB per 40 CFR 403.3(v)(2) must annually submit the following certification statement signed in accordance with the signatory requirements in 40 CFR 403.120(I). This certification must accompany an alternative report required by KUB:

“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 as described in 40 CFR 403.3(v)(2)
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____”

A duly authorized representative as defined in 40 CFR 403.12(l) is as follows:

- C. By a responsible corporate officer, if the *industrial user* submitting the reports required by paragraphs (b), (d) and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - ii. A manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- D. By a general partner or proprietor if the *industrial user* submitting the reports required by paragraphs (b), (d) and (e) of 40 CFR 403.12 is a partnership or sole proprietorship respectively.
- E. By a duly authorized representative of the individual designated above if:
 - i. The authorization is made in writing by this individual;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager,

operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

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

25. PCR Elements. Any *industrial user* subject to a *categorical pretreatment standard*, after the compliance date of such *categorical pretreatment standard*, or, in the case of a *new source*, after commencement of the discharge into *KUB*, shall submit to *KUB* during the months of April and October, unless required more frequently in the *categorical pretreatment standard* or by *KUB* or the State of Tennessee, a report in a format as specified by *KUB* and shall at a minimum contain the information required in 40 CFR 403.12(e).

26. Sampling locations. When required by *KUB*, the owner of any property served by a building or plant sewer or sewers carrying commercial or industrial wastes shall install a suitable manhole in the building sewer to facilitate observation, sampling and measurement of the combined wastes from his *premises*. Such manhole, or other appurtenance where a representative sample can be taken, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the *KUB*. The sampling location shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

27. Prevention of accidental discharges. 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 article from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials' handling areas, and from diked areas or holding ponds of any waste regulated by this article. The *wastewater* discharge permit of any *user* who has a history of significant leaks, spills or other accidental discharge of waste regulated by this article shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities for such accidental discharge. Plans, specifications and operating procedures for such special permit conditions shall be developed by the *user* and submitted to *KUB* for review under the provisions of Section I, paragraph 15, "Design and construction."

28. Hazardous Waste Notification. The *industrial user* shall notify *KUB*, 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 follow the format specified by *KUB* and at a minimum contain the information requested by 40 CFR 403.12(p). Dischargers are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). In the case of any notification made under paragraph (p) of 40 CFR 403.12, the *industrial user* shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

29. Changed Discharge. All *industrial users* shall promptly notify *KUB* in advance of any substantial change in the volume or character of *pollutants* in their discharge, including the listed or characteristic hazardous wastes for which the *industrial user* has submitted initial notification under 40 CFR 403.12(p).

30. Affirmative defenses. A *user* shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Section I, 3(C-G) where the *user* can demonstrate that:

- A. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause *pass through* or *interference*; and
- B. The local limit designed to prevent *pass through* and/or *interference*, as the case may be, was developed in accordance with Tennessee Rule 1200-4-14-.05(3) for each *pollutant* in the *user's* discharge that caused *pass through* or *interference*, and the *user* was in compliance with each such local limit directly prior to and during the *pass through* or *interference*; or
- C. The local limit has not been developed in accordance with Tennessee Rule 1200-4-14-.05(3) for the *pollutant(s)* that caused the *pass through* or *interference*, the *user's* discharge directly prior to and during the *pass through* or *interference* did not change substantially in nature or constituents from the *user's* prior discharge activity when the *POTW* was regularly in compliance with the *POTW's NPDES* permit requirements and, in the case of *interference*, applicable requirements for sewage sludge use or disposal.

Section II. Permits Reports and Records

1. **Applicability.** The provisions of this section 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*, shall be conditioned upon the *industrial user* also complying with all applicable substantive and procedural requirements promulgated by the *Environmental Protection Agency* or the State of Tennessee in regard to such *national pretreatment standards*.

2. **Application and permit requirements for *industrial users*.** All *industrial users* of the *wastewater* facilities prior to discharging *industrial wastewater* into the *POTW* shall apply for a *wastewater* discharge permit in the manner hereinafter set forth. All original applications shall be on forms supplied by *KUB* and accompanied by a report containing the information specified in Section II, paragraph 3, “Report requirements” hereof. 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 *industrial user's premises* by size, location and elevation; and the *industrial user* shall submit to *KUB* revised plans whenever alterations or additions to the *industrial user's premises* affect said plans.
3. **Permit contents.** Permits are enforceable and contain, at a minimum, the following conditions:
 - A. Statement of duration (in no case more than five years);
 - B. Statement of non-transferability without, at a minimum, prior notification to *KUB* and provision of a copy of the existing permit to the new owner or operator;
 - C. Effluent limits, including *Best Management Practices*, based on applicable general *pretreatment* standards, *categorical pretreatment standards*, local limits, and State and local law;
 - D. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general *pretreatment* standards, *categorical pretreatment standards*, local limits, and State and local law;
 - E. Statement of applicable civil and criminal penalties for violation of *pretreatment* standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
 - F. Requirements to control slug discharges, if determined by *KUB* to be necessary.
 - G. *Best Management Practices* - A *Best Management Practice* shall be contained in an IUs wastewater discharge permit if it is to be used in lieu of a self-monitoring requirement for an IU.
 - H. Slug Control - Requirements to control slug discharges shall be contained in an IUs wastewater discharge permit if determined by *KUB* to be necessary.
4. **Report requirements.** The report required by Section II, paragraph 2, “Application and permit requirements for *industrial users*” above or other provisions of this article for all *industrial users* shall contain, in units and terms appropriate for evaluation, the

information listed in subparagraphs A. through E. below. *Industrial users* subject to *national pretreatment standards* shall submit to *KUB* a report which contains the information listed in subparagraphs A. through G. below, within one hundred eighty (180) days after the promulgation by the *Environmental Protection Agency* of a "national pretreatment standard" as specified hereinabove, the report shall contain all or applicable portions of the following:

- A. The name and address of the *industrial user*;
- B. The location of such *industrial user*;
- C. The nature, average rate of production and *standard industrial classification* of the operation(s) carried out by such *industrial users*;
- D. The average and maximum flow of the discharge from such *industrial user* to the *POTW*, in gallons per day;
- E. The nature and concentration of *pollutants* in the discharge from each regulated process from such *industrial user* and identification of any applicable *national pretreatment standards* and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable *national pretreatment standard*. If an equivalent concentration limit has been calculated in accordance with any *national pretreatment standard*, this adjusted concentration limit shall also be submitted to *KUB* for approval.
- F. A statement, reviewed by an authorized representative of the *industrial user* (as defined in *KUB's Rules and Regulations* for the *Wastewater Division*) and certified by a qualified professional, indicating whether *national 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 *national pretreatment standards* and requirements; and,
- G. If additional *pretreatment* or operation and maintenance procedures will be required to meet the *national 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 shall not be later than the compliance date established for the applicable "pretreatment standard". For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a *national pretreatment standard* or *categorical pretreatment standard* imposed as a result of the user discharging any incompatible *pollutant* regulated by Section I hereof. For purposes of this paragraph, the term "pollutant" shall include any *pollutant* identified in a *national pretreatment standard* or any incompatible *pollutant* identified in Section I hereof.

5. **Incomplete applications.** *KUB* will act only on applications that are accompanied by a report, which contains all the information required in Section II, paragraph 3, “Report requirements” above. *Persons* who have filed incomplete applications will be notified by *KUB* 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 *KUB*, *KUB* shall deny it and notify the applicant in writing of such action.
6. **Evaluation of applications.** Upon receipt of complete applications, *KUB* shall review and evaluate the application and shall propose such permit conditions as it deems advisable. All *wastewater* discharge permits shall be expressly subject to all the provisions of this article and all other federal, state and local laws, and regulations and the *Rules and Regulations*.

A. **Confidentiality.**

- i. In accordance with 40 CFR part 2, any information submitted to *KUB* pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, *KUB* may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information) and applicable state law.
- ii. Information and data provided to *KUB* pursuant to this part which is effluent data shall be available to the public without restriction.
- iii. All other information, which is submitted to the State or *KUB*, shall be available to the public at least to the extent provided by 40 CFR 2.302 or state law.

B. **Special conditions.** *KUB* may also propose that the *wastewater* discharge permit be subject to one or more special conditions in regard to any of the following:

- i. *Pretreatment* requirements;
- ii. The average and maximum *wastewater* constituents and characteristics;
- iii. Limits on rate and time of discharge or requirements for flow regulations and equalizations;
- iv. Requirements for installation of inspection and sampling facilities;

- v. Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, number, type and standards for tests and reporting schedule.
- vi. Requirements for submission of technical reports or discharge reports;
- vii. Requirements for maintaining records relating to *wastewater* discharge.
- viii. Other conditions as deemed appropriate by *KUB* to insure compliance with this Appendix, the *Rules and Regulations* or other applicable ordinance, law or regulation;
- ix. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the *industrial user's premises*;
- x. *KUB* may impose mass limitations on *industrial users* which are using dilution to meet limitations on industrial standards or requirements or in other cases where the imposition of mass limitations are appropriate.

C. **“Combined Waste Stream Formula”**. Where process effluent is mixed prior to treatment with *wastewaters* other than those generated by the regulated process, fixed alternative discharge limits may be derived by *KUB* using the “combined waste stream formula” in 40 CFR 403.6(e). These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, *KUB* shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate *categorical pretreatment standard(s)* and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate *categorical pretreatment standard(s)*. The *industrial user* shall comply with the alternative daily maximum and monthly average limits fixed by *KUB* until *KUB* modifies the limits or approves an *industrial user* modification request. *KUB* will apply the most stringent of the alternative daily limits or the daily “Local Limits”.

Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated *pollutant*. An *industrial user* must immediately report any such material or significant change to *KUB*. Where appropriate new alternative categorical limits shall be calculated within 30 days.

D. **Net/Gross Calculation**. *Categorical pretreatment standards* may be adjusted to reflect the presence of *pollutants* in the *industrial user's* intake water in accordance with 40 CFR 403.15.

7. Applicant to be notified of proposed permit conditions; right to object.

- A. Upon completion of its evaluation *KUB* shall notify (by “draft” permit) the applicant of any special permit conditions which it proposed be included in the *wastewater* discharge permit.
 - B. The applicant shall have fourteen (14) days from and after the delivery date of the “draft” permit to review it and file written objections with *KUB* in regard to any special permit conditions recommended by *KUB*. *KUB* may, but shall not be required, to schedule a meeting with applicants 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 *KUB*, or a subsequent agreement is reached concerning same, *KUB* shall issue a *wastewater* discharge permit to the applicant with such special conditions incorporated therein.
- 8. Compliance schedule and reporting requirements.** The following conditions shall apply to a compliance schedule required by *KUB*:
- A. The schedule shall contain increments of progress in the form of dates for commencement and completion of the major events leading to the construction and operation of additional *pretreatment* requirements for the industrial user to meet the applicable *pretreatment standards* (such as 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 (1) above shall exceed nine (9) months.
 - 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 *KUB*. This report is to include, 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 (9) months elapse between such progress reports to the control authority and *KUB*.
- 9. Maintenance of records.** Any *industrial user* subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
- A. The date, exact place, method, and time of sampling and the names of the persons taking the samples;
 - B. The dates analyses were performed;

- C. Who performed the analyses;
- D. The analytical techniques/methods used; and
- E. The results of such analyses

10. Retention of records. Any *industrial user* subject to the reporting requirements established in these rules (including documentation associated with *Best Management Practices*) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the *KUB Chief Operating Officer*, or his/her designee, TDEC or the *EPA*. This period of retention shall be extended during the course of any unresolved disputes or litigation regarding KUB, the industrial user, or when requested by *KUB*, TDEC or the *EPA*.

11. Duration of permits. *Wastewater* discharge permits shall be issued for a period of three (3) years. Notwithstanding the foregoing, *industrial users* becoming subject to a *categorical pretreatment standard* shall apply for new permits ninety (90) days prior the effective date of such *categorical* pretreatment standard. *KUB* shall notify in writing any *industrial user* whom it has cause to believe is subject to a *categorical pretreatment standard* of the promulgation of such federal regulations, but any failure of *KUB* in this regard shall not relieve the *industrial user* of the duty of complying with such *categorical pretreatment standards*. An *industrial user* must apply in writing (new IWS) for a renewal permit ninety (90) days prior to expiration of the current permit. Provided further, that limitations or conditions of a permit are subject to modification or change as such changes may become necessary due to changes in applicable water quality standards, changes in *KUB's NPDES* permit, changes in Section I limitations, changes in other applicable law or regulation, or for other just cause, *industrial users* shall be notified of any proposed changes in their permit by *KUB* at least forty-five (45) 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.

12. Transfer of permit. *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 *KUB*. A copy of the existing permit shall be provided to the new owner or new user.

13. Modification, Suspension or Revocation of permit. Any permit issued under the provisions of this article 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.

Any such modification, suspension or revocation of any permit may be appealed in accordance with the provisions contained in Section XVI of the *Rules and Regulations*.

Section III. Inspections, Monitoring and Entry

1. **Scope of KUB's authority.** Whenever required to carry out the objectives of this article, included but not limited to (1) developing or 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 article; (2) determining whether any *person* is in violation of any such effluent limitation, or other limitation, prohibition or effluent limitation, or other standard of performance, or permit condition; and (3) any requirements established under the *Rules and Regulations* and any applicable federal, state and local laws and regulations:

- A. *KUB* shall require any commercial or industrial user to:
 - i. Establish and maintain such records;
 - ii. Make such reports;
 - iii. Install, use and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods);
 - iv. Sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as *KUB* shall prescribe); and
 - v. Provide such information as he may reasonably require.

The *Chief Operating Officer* and other duly authorized employees of *KUB*, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of the *Rules and Regulations*.

- B. **Relevancy of data.** Any records, reports or information obtained under this division:
- C. Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, *pretreatment* or permit conditions; and
- D. Shall be available to the public, 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 article or other applicable laws according to the requirements of the State's Public Records Act.
- 2. Requirements specific to individual *industrial user*; design plans required.** Special requirements under the provisions of paragraph 1 of this section shall be established by *KUB* for each *industrial user* and such requirements shall be included as a condition of the *industrial user's wastewater* discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the *industrial user's* discharge, the impact of the discharge on the *wastewater* facilities, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The *industrial user* shall be required to design any necessary facility, and to submit detailed design plans and operating procedures to *KUB* for review in accordance with accepted engineering practices. *KUB* shall review said plans within fourteen (14) days and shall recommend to the *industrial user* any change *KUB* deems appropriate.
- 3. Procedure upon approval of plans.** Upon approval of plans as specified in Section I, paragraph 15, the *industrial user* shall secure such building, electrical, plumbing or other permits as may be required by applicable law and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the *industrial user's wastewater* discharge permit.
- 4. Denial of entry, inspection sampling etc.; remedies.** In the event any *industrial user* denies the *Chief Operating Officer* or his authorized representative the right of entry to or upon the *industrial user's premises*, for purposes of inspection, sampling effluents or inspecting and copying records, or performing such other duties as shall be imposed upon the *industrial user* by this section, *KUB* shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge its duties under this section, including but not limited to the termination of water and/or *wastewater services* to the user.
- 5. Violation of permit terms renders permit subject to modification, suspension or revocation.** Any *industrial user* failing or refusing to discharge any duty imposed upon him under the provisions of this section, or who denies the *Chief Operating Officer*, or his authorized representative the right to enter upon the *industrial user's premises* for purposes of inspection, sampling effluents, inspecting and copying records, or such other duties as may be imposed upon him by this section, shall be

deemed to have violated the conditions of his *wastewater* discharge permit and such permit shall be subject to modification, suspension or revocation under the procedures established in this Appendix and the *Rules and Regulations*, as applicable.

Section IV. Dangerous Discharge Reports

- 1. Telephone notification.** Any *person* causing or suffering any discharge whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause *interference* with the *POTW* or its *collection system*, or any *slug* loading, as defined in *KUB's Rules and Regulations for the Wastewater Division*, shall notify *KUB* immediately by telephone. Notification shall be given to the *KUB* employee then in charge of the *POTW*.
- 2. Written report.** Within five (5) days following such occurrence, the *user* shall provide *KUB* 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 article or by any applicable law.
- 3. 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 insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Section V. Enforcement, Abatement and Appeals

See Sections XIV, XV, and XVI of the *Rules and Regulations* for the applicable provisions pertaining to enforcement, abatement and appeals related to activities covered by this Appendix.



GREASE CONTROL PROGRAM

Second Revision



TABLE OF CONTENTS

I.	Purpose of the Grease Control Program -----	1
II.	Definitions -----	2
III.	General Criteria -----	4
	A. Food Service Facility (FSF) Employee Training	
	B. Installation Requirements for New or Remodeled FSFs	
	C. Inspections and Compliance for Existing FSFs	
	D. Risk Rating and Enforcement	
	E. Upgrades of Changes to Existing FSFs	
	F. Prohibited Discharges to Grease Control Equipment	
	G. Floor Drains	
	H. Garbage Grinders and Dishwashers	
IV.	Installation Requirements for Grease Control Equipment -----	7
	A. Criteria for Grease Interceptors	
	B. Criteria for Grease Traps	
	C. New Grease Control Equipment Technologies	
V.	Grease Control Equipment Maintenance -----	9
	A. Cleaning / Pumping	
	B. Cleaning / Pumping Frequency	
	C. Disposal of Grease Waste	
	D. Additives	
	E. Manifests	
	F. Maintenance Log	
	G. Grease Control Equipment Certification Program	
VI.	Administrative Requirements -----	11
	A. Initial Data Acquisition	
	B. Permit Fee	
	C. Inspection and Entry	
VII.	Enforcement, Abatement and Appeals -----	12
	A. Emergency Suspension of Services	
	Exhibits	
	A. External Grease Interceptor Typical Installation	
	B. Grease Interceptor Sizing Model	
	C. Internal Grease Trap Typical Installation	



I. **PURPOSE OF THE GREASE CONTROL PROGRAM**

Grease is one of the primary causes of stoppages, backups, and overflows in a wastewater collection system. Grease buildup in the sewers also causes restrictions and blockage problems.

KUB's goal is to prevent grease from entering into the KUB sanitary sewer collection system. This goal is achieved through the Grease Control Program and routine sanitary sewer collection system maintenance.

KUB's Grease Control Program consists of two important components:

1) Commercial Food Service Facilities

As part of the Grease Control Program, food service facilities (FSFs) are required to capture and dispose of the grease generated by their operation. KUB requires FSFs to install approved, adequately sized, properly installed and maintained grease control equipment. Through this effort, the goal of improved sewer service through proper grease control can be achieved.

2) Residential or Public Awareness Program

Residential customers in a sanitary sewer overflow area are identified through a Geographical Information System (GIS) query and receive information about KUB's Can the Grease Program. The program is designed to raise awareness about disposing of grease in a way that is good for household plumbing, KUB's wastewater system, and our environment. The Can the Grease Program recommends scraping cooled grease into a metal can for disposal in the trash.

The commercial FSF component of KUB's Grease Control Program is the focus of this document, including the proper sizing, installation, and maintenance of grease control equipment. The administrative and inspection requirements are established as well.



II. **DEFINITIONS**

Unless otherwise expressly stated in the Rules and Regulations for KUB's Wastewater Division with respect to which this program is incorporated by reference and a part, or the context in this Appendix clearly indicates a different intention, the following terms shall, for the purpose of this Appendix, have the meanings indicated in this section:

A. Black Water

Wastewater from sanitary fixtures such as toilets and urinals.

B. Food Service Facility

Any establishment, business, or facility engaged in preparing, serving, or making food available for consumption.

C. Garbage Grinder

A device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

D. Gray Water

Refers to all wastewater other than "Black Water" as defined in this section.

E. Grease

A material composed primarily of fats, oil, and grease from animal or vegetable sources. The term fats, oil, and grease may be referred to as grease or types of grease in this document and does not include petroleum-based products.

- Brown grease – Fats, oils, and grease that is discharged to the grease control equipment.
- Yellow grease – Fats, oils, and grease, usually spent oil from deep frying, that has not been in contact with or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled. Yellow grease is typically stored in a rendering container outside the FSF.

F. Grease Control Equipment (GCE)

A device for separating and retaining grease and solids prior to wastewater exiting the FSF and entering KUB's sanitary sewer collection system. The GCE is so constructed as to separate and trap or hold grease from entering KUB's sanitary sewer collection system. Devices include grease interceptors and grease traps.

G. Grease Interceptor

Grease control equipment identified as a large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the sanitary sewer collection system. Grease Interceptors are typically located outside of FSFs due to their size. The minimum size of grease interceptor allowed by KUB is 1000 gallons.



H. Grease Trap

Grease Control Equipment identified as an internal grease trap, usually installed inside and under or in close proximity to sinks or other fixtures likely to discharge grease in an attempt to separate, trap or hold fats, oils and grease substances to prevent their entry into the sanitary sewer collection system. Grease traps are sized by retention capacity (i.e. 20 lbs., 30 lbs., 40 lbs., etc.). All grease traps must be installed with a flow restrictor and vent. Grease traps are only allowed under specific conditions including, but not limited to, if no cooking is occurring at the facility.

I. User

In this document, the term User shall mean a KUB customer operating a FSF inside the KUB wastewater service area who is obligated to follow the requirements of this Grease Control Program.

J. Waste Hauler

One who transfers waste from the site of a customer to an approved site for disposal or treatment. The waste hauler is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.



III. GENERAL CRITERIA

- A. Food Service Facility (FSF) Employee Training.** FSFs shall train their employees on proper grease disposal practices and the requirements of this program.
- B. Installation Requirements for New or Remodeled FSFs.** All proposed or newly remodeled FSFs inside the KUB wastewater service area are required to install or upgrade to approved, adequately sized, properly installed and maintained grease control equipment in accordance with this document. Remodeling of an FSF may include, but is not limited to, the addition of new plumbing fixtures or kitchen equipment. See Section IV for installation requirements.
- C. Inspections and Compliance for Existing FSFs.** All existing FSFs inside the KUB wastewater service area shall conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed of. This is ensured through routine inspections by KUB.

KUB inspects each FSF on an as-needed basis to ensure each facility is complying with the Grease Control Program requirements.

In addition, through preventive maintenance records or emergency calls related to grease, KUB identifies and targets "grease problem areas" in the wastewater collection system. FSFs located upstream of these problem areas and that discharge their wastewater into the "problem" lines are identified as potential contributors to the grease build-up. Each FSF in the vicinity of the problem area is inspected. The facilities' maintenance records, grease control practices, and the adequacy of their grease control equipment is assessed. Maintenance records are reviewed and posting of "No Grease" signs are required at each fixture that drains to the grease control equipment.

It is prohibited for facilities to have grease control equipment that malfunctions due to structural failure. For example, a collapsed or deteriorated baffle wall, leaks, improperly located or missing tees, and other deficiencies will prevent the grease control equipment from working properly. These deficiencies must be addressed through repair of existing equipment or installation of a larger device. The Grease Control Equipment Certification aspect of the program requires FSFs to have their equipment inspected every other year to verify that all components of the interceptor or trap is installed and the device is working properly.

Following the inspection, KUB provides the FSF with a copy of the inspection report and other program materials if necessary. The inspections typically result in one of the following actions:



1. Facilities equipped with adequately-sized and properly maintained grease control equipment who are in compliance with the Grease Control Program by implementing grease control practices are provided a copy of the inspection form indicating compliance.
2. Facilities may be required to develop and submit to KUB a proposed plan designed to achieve compliance through improved housekeeping and/or increased maintenance and pumping on the existing grease control equipment.
3. Facilities that are not successful in achieving compliance with the Grease Control Program and other applicable rules and regulations of KUB through improved housekeeping and increased maintenance and cleaning of the existing grease control equipment will be required to install and maintain adequate grease control equipment to bring the facility into compliance. KUB recognizes that it may not be possible for the facility to immediately come into compliance with the requirements and in such cases, if appropriate, KUB, at its sole discretion, may be willing to work with the customer to arrive at an acceptable compliance schedule for the customer.
4. FSFs that fail to comply with the required maintenance schedule for a grease trap will be required to install a grease interceptor to prevent continued discharge of grease to KUB's sanitary sewer collection system.

D. Risk Rating and Enforcement. Risk assessment ratings (Low, Medium, High, or Unacceptable) will be assigned to FSFs after each inspection based on compliance with KUB program guidelines, adequacy of the grease control equipment, or other factors as necessary. The standard Grease Control Program permitting fee is a minimum of \$100 unless otherwise stated. Rating assessments will be reviewed periodically for changes in compliance, and any changes will be reflected in the next permit renewal fee.

KUB evaluates compliance with the Grease Control Program during site inspections. Failure to comply with program requirements increases the risk of producing grease related SSOs in KUB's collection system, which must be prevented. Enforcement action will be taken as necessary in accordance with the Enforcement Response Guide for the Grease Control Program. More information pertaining to reasons for enforcement can be found in Section VII.

E. Upgrades or Changes to Existing FSFs. Any changes or upgrades to an existing FSF (including the addition of new plumbing fixtures or kitchen equipment) which, directly or indirectly, affects grease discharge to the KUB



sanitary sewer collection system must be reported to KUB to determine if the existing grease control equipment is adequate.

- F. Prohibited Discharges to Grease Control Equipment.** Black water shall not be discharged to the grease control equipment. Additives or chemicals designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease are prohibited – see Section V.D. for more information. Yellow grease is prohibited from being discharged to a grease trap and should not be discharged to a grease interceptor.
- G. Floor Drains.** Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.
- H. Garbage Grinders and Dishwashers.** Solid food waste products should be disposed of through normal solid waste/garbage disposal procedures. The use of garbage grinders, which discharge to the sanitary sewer, is discouraged within the KUB wastewater service area. However, in the event that the device is used in a commercial or industrial facility, it must have a large particle trap and be connected to the grease interceptor. The use of a garbage grinder decreases the operational capacity of the grease interceptor and will require an increased pumping frequency to ensure continuous and effective operation. Garbage grinders are prohibited from being connected to a grease trap.

Commercial dishwashers must be connected to a grease interceptor and are prohibited from being connected to a grease trap. Dishwashers discharge hot water and soap, which can melt grease stored in grease control equipment. Melted grease may then pass through the grease control equipment into the customer's private service lateral and ultimately to KUB's sanitary sewer collection system, where the grease can harden and causes buildup and overflows.



IV. **INSTALLATION REQUIREMENTS FOR GREASE CONTROL EQUIPMENT**

Grease traps can be used at FSFs with no cooking or frying. The appropriate type of grease control equipment for all other FSFs will be determined by KUB based on FSF type, plumbing fixtures, and amount of food preparation. See Exhibit B.

Grease control equipment shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at any time and be located in an area that is a sufficient distance from any air intake. A grease interceptor may not be installed inside any part of a building unless approved by KUB.

Location of grease control equipment shall meet the approval of KUB. The best location for grease interceptors is in an area outside of an outside wall, but upstream from the black water drain line(s). The best location for grease traps is inside the FSF in an area that can be easily accessed for maintenance.

A. CRITERIA FOR GREASE INTERCEPTORS

1. **Construction of Grease Interceptors.** Grease interceptors shall be constructed of sound durable materials, not subject to excessive corrosion or decay and in accordance with KUB's standards described in this document and shall have a minimum of two compartments with fittings designed for grease retention. Other grease removal devices or technologies shall be subject to the written approval of KUB. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. KUB's standard drawing for grease interceptors is in Exhibit A.
2. **Access.** Access to grease interceptors shall be available at all times to allow for their maintenance and inspection. Access to grease interceptors shall be provided by at least two manholes terminating 1-inch above finished grade with a cast iron frame and cover. One manhole shall be located above the inlet tee and the other manhole shall be located above the outlet tee.
3. **Load-Bearing Capacity.** In areas where additional weight loads may exist (example: vehicular traffic in parking or driving areas), the grease interceptor and manhole lids shall be designed to have adequate load-bearing capacity.
4. **Inlet and Outlet Piping.** Wastewater discharging to a grease interceptor shall enter only through the inlet tee of the grease interceptor. Each grease interceptor shall have only one inlet and one outlet tee. Tees must be constructed of non-collapsible material. Refer to Exhibit A for tee installation specifications.



5. **Grease Interceptor Sizing.** The required size of a grease interceptor is determined by using the KUB Grease Interceptor Sizing Formula shown in Exhibit B of this program. Grease interceptors will have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity using the KUB Grease Interceptor sizing formula exceeds 3,000 gallons, multiple units in series or additional equipment may be necessary.

Grease interceptor designs represent minimum standards for normal usage for grease control. Installations with heavier usage require more stringent measures for which the user is responsible and the user shall pay the costs to provide additional measures if required by KUB. KUB reserves the right to evaluate interceptor sizing on an individual basis for FSFs with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

B. CRITERIA FOR GREASE TRAPS

1. **Required Components for Grease Traps.** Grease traps are required to be installed as per manufacturer specifications, which include a flow restrictor and venting prior to the discharge entering the grease trap. See Exhibit C for KUB's standard drawing for grease traps.
2. **Access.** Access to grease traps shall be available at all times, to allow for their maintenance and inspection.
3. **Inlet and Outlet Piping.** Wastewater discharging to a grease trap shall enter only through the inlet tee of the grease trap. Each grease trap shall have only one inlet and one outlet tee.
4. **Grease Trap Sizing.** The appropriate size of grease trap will be determined by KUB upon consultation with the FSF based on the type of FSF, but in no case may it be less than a 20 gpm / 40 lb rated trap. Exceptions to this requirement may be approved by KUB in rare situations. FSFs using a dishwasher and/or garbage grinder are prohibited from installing a grease trap unless approved by KUB under specific conditions in rare cases.

C. NEW GREASE CONTROL EQUIPMENT TECHNOLOGIES

All grease removal devices or technologies different from KUB's current specifications included in this document shall be subject to review and approval by KUB prior to use. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.



V. GREASE CONTROL EQUIPMENT MAINTENANCE

- A. Cleaning/Pumping.** The user, at the user's expense, shall maintain all grease control equipment.

Maintenance of grease traps includes the removal of all fats, oil, and grease from the detention compartment of the trap. Removal is usually accomplished by hand-dipping or scooping the collected grease, solids, and wastewater from the trap. Maintenance may also be performed by a waste hauler.

Maintenance of grease interceptors must be performed by a waste hauler and includes the complete removal of all contents, including floating materials, wastewater, bottom sludges and solids, as well as grease that has accumulated on the side walls. Dewatering or discharging removed waste back into the grease interceptor from which the waste was removed or into any other grease interceptor, for the purpose of reducing the volume to be disposed of, is prohibited.

- B. Cleaning/Pumping Frequency.** Grease traps must be cleaned no less than monthly or as often as necessary to prevent grease from entering KUB's sanitary sewer collection system. Failure to perform cleaning and maintenance of a grease trap as required may result in a mandatory contract with a waste hauler to perform the cleaning per the required schedule or result in a requirement for the FSF to install a larger capacity grease control device that could include an external grease interceptor.

Grease interceptors must be pumped out completely a minimum of once every three months, or more frequently as needed to prevent grease from entering the sanitary sewer collection system. Measurement of solids greater than or equal to 25% shall be considered non-compliance with KUB's Grease Control Program. This compliance monitoring and evaluation may be conducted by a sludge judge or electronic measuring device.

- C. Disposal of Grease Waste.** Waste removed from grease traps must be disposed of with other solid waste or garbage in a sealed container to prevent leakage unless cleaned and disposed of by a waste hauler. All waste removed from grease interceptors must be disposed of at a facility approved by KUB to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system.

- D. Additives.** Any additive(s) placed into the grease interceptor, grease trap, or building discharge line system on a constant, regular, or scheduled basis is prohibited. Such additives include, but are not be limited to, chemicals, drain cleaners, acids, caustics, enzymes, commercially available bacteria, emulsifiers, surfactants, or other product designed to absorb, purge,



consume, treat, or otherwise eliminate fats, oils, and grease. Written approval may be given by KUB under specific circumstances; however, approved use may be discontinued at any time if grease is found downstream of the FSF. In addition, approved use will in no way be considered as a substitution to the required maintenance procedures and schedule.

- E. Manifests.** All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer should obtain a manifest from the waste hauler with signatures for their records.

- F. Maintenance Log.** A Grease Control Equipment Cleaning Record Maintenance Log and pumping manifest indicating each cleaning or pumping for the previous 24 months shall be maintained by each facility required to install grease control equipment. This log shall include the date and time of the cleaning, and the company or person conducting the cleaning. For grease interceptors, the log should also include the volume pumped and disposal site. Maintenance logs shall be kept in a conspicuous location for inspection and be made immediately available to the KUB representative upon request.

- G. Grease Control Equipment Certification Program.** All FSFs with grease control equipment must have their grease interceptor or trap inspected every other year to verify that all components of the interceptors and traps are installed and working properly. Documentation of the equipment inspection shall be submitted to certify that there are no missing inlet or outlet tees, holes or cracks, deterioration of the equipment, overflowing grease at the outlet tee, or any other obvious problems with the interceptor or trap and there is access to all interceptor chambers. A detailed corrective action response is required from the FSF owner or authorized representative if deficiencies are discovered and the grease control equipment fails the certification.

Corrective actions are reviewed by KUB and an appropriate course of action will be agreed to between KUB and the FSF. Failure to appropriately address the deficiencies noted in the failed certification will result in enforcement action as outlined in KUB's Enforcement Response Plan for the Grease Control Program. Immediate corrective action may be necessary if grease is found to be entering the KUB sanitary sewer collection system.



VI. ADMINISTRATIVE REQUIREMENTS

- A. Initial Data Acquisition.** Upon inspection of each FSF, KUB's inspector shall complete an inspection sheet to facilitate the population of KUB's Grease Control Program FSF database. The database is updated with additional or modified information after each inspection.
- B. Permits and Fees.** All FSFs that discharge wastewater to KUB's system must agree to comply with all aspects of this program and will be issued a Grease Control Program permit. A permit fee for facilities with grease discharges has been set by KUB. The fee was established to allow cost recovery and includes, but is not limited to, the cost of field, administrative, engineering, and clerical expenses involved. The fees shall be not less than \$100.00 per year for each facility, and include an additional charge for FSFs that pose a high or unacceptable risk to the KUB system. The annual permit fee is applied to the customer's KUB bill.
- C. Inspection and Entry.** Authorized personnel of KUB, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this program.



VII. **ENFORCEMENT, ABATEMENT AND APPEALS**

See Sections XV and XVI of KUB's Wastewater Rules and Regulations for the applicable provisions pertaining to enforcement, abatement and appeals. In addition to the authorities established under these provisions, KUB may take the following actions as outlined in the Enforcement Response Guide for the Grease Control Program:

Enforcement Responses for Violations of Rules. Any person who is in noncompliance and/or violates any provision of KUB's Rules and Regulations, program requirements, or a compliance order shall be subject to an enforcement response, including but not limited to a civil penalty in an amount not to exceed ten thousand (\$10,000) dollars per offense, and the possibility of water and/or wastewater service termination. Civil penalties or termination of water and/or wastewater service may be appealed in accordance with Section XV of the Rules and Regulations. The following situations are subject to an enforcement response by KUB as outlined in the Enforcement Response Guide for the Grease Control Program:

- FSF operating without an appropriate permit
- Failure to pay annual permit fees
- Failure to install grease control equipment or to meet KUB guidelines for grease control equipment design and installation
- Structural failure of grease control equipment
- Inadequate maintenance of grease control equipment
- Pumping records not maintained
- Failure to report upgrades/changes to existing facilities to KUB
- Failure to report improper operation or failure of grease control equipment
- Denial of entry
- Inadequate FSF employee training and/or recordkeeping
- Failure to respond to KUB enforcement action

A. Emergency Suspension of Services. KUB may suspend water or wastewater service when such suspension is necessary, in the opinion of KUB, in order to stop an actual or threatened discharge which:

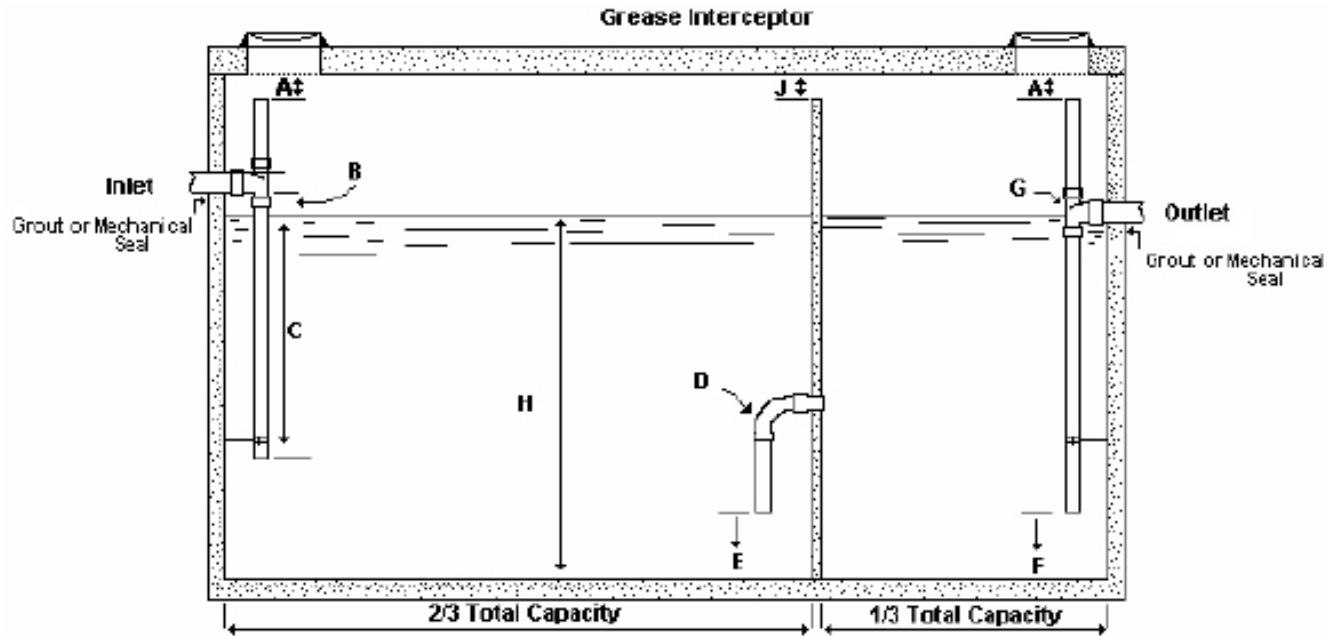
- 1) presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
- 2) causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;
- 3) causes interference to the POTW; or
- 4) causes KUB to violate any condition of its NPDES permits, orders or consent decrees.

See KUB's Rules and Regulations for the Wastewater Division for more information.

EXHIBITS

EXHIBIT A

External Grease Interceptor Typical Installation



- A.) Minimum 6", but not less than pipe diameter.
- B.) Inlet pipe invert to be 2 1/2" above liquid surface.
- C.) Inlet pipe to terminate 2/3 depth of water level.
- D.) 90 degree Sweep, minimum size - 6".
- E.) 12" from floor to end of sweep.
- F.) 12" from floor to end of outlet pipe.
- G.) Outlet pipe no smaller than inlet pipe, minimum - 4".
- H.) Minimum depth of liquid capacity - 42".
- J.) Maximum distance from ceiling - 6".

EXHIBIT B

Grease Interceptor Sizing Formula Based on EPA-2 Model

Note: No cooking/frying; food prep only; use adequately sized grease trap; based on flow per plumbing code.

Type of Restaurant Fixture	Flow Rate	No. of Fixtures	Amount
Single compartment sink	20 gpm		
Double compartment sink	25 gpm		
2, single compartment sinks	25 gpm		
2, double compartment sinks	35 gpm		
Triple sink	35 gpm		
Floor drains, 1 ½ or 2 in. drain	35 gpm		
Janitor sink	35 gpm		
30 gal. Dishwasher	15 gpm		
50 gal. Dishwasher	25 gpm		
50-100 gal. Dishwasher	40 gpm		
Garbage grinder or disposal	40 gpm		
Totals:			

A. Average Flow Rate = Flow Total _____ gpm / Number of fixtures _____ = _____ gpm

Restaurant Type and Sizing Factors:

Fast food (no dishes)	=	.50
Dine-in (0-100 seats)	=	.50
Dine-in (>100 seats)	=	.60
Cafeteria-Buffer	=	.75
Food Production	=	.85

B. Sub Total = A X Sizing Factor, _____ gpm X _____ Factor = _____ gpm

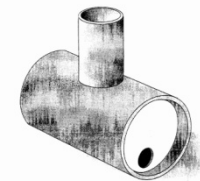
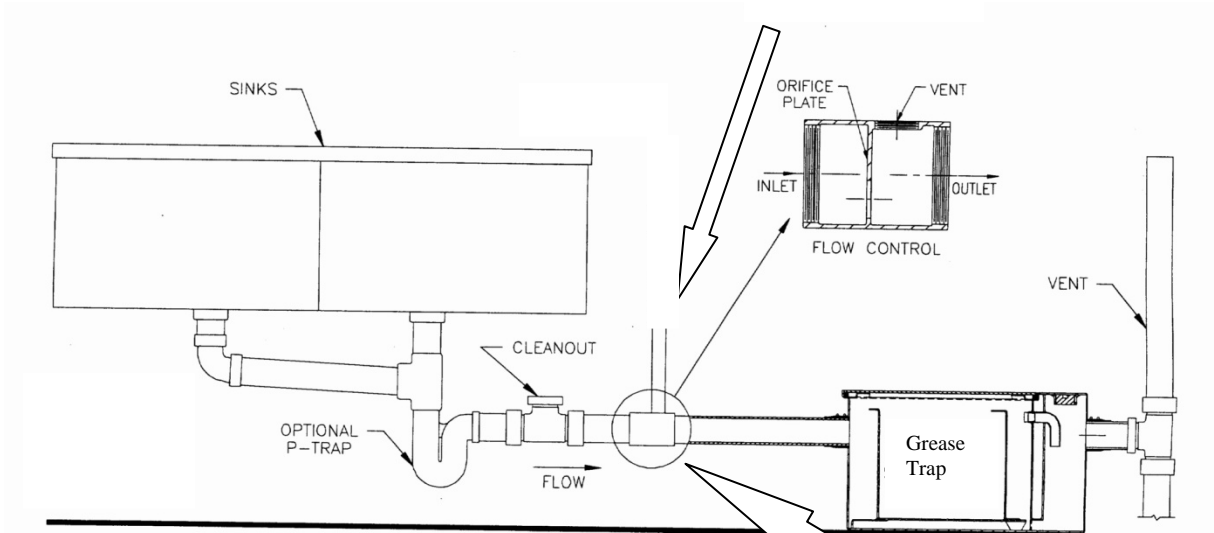
C. Sub Total = B X 60 min.= avg. flow for 1 hour = _____ X 60 = _____ gph

D. Total = C x 2 hrs retention time = trap volume = _____ X 2 = _____ gal

Note: If larger than 1500 gallons, may use two or more tanks in series.

Internal (Under the Sink) Grease Trap Diagram

Vent Pipe
Must be lower than
sink drain



Flow Restrictor

FLC SERIES



Knoxville Utilities Board
Rules and Regulations – Wastewater Division
Appendix C. Enforcement Response Guide *Pretreatment Program*

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
UNAUTHORIZED DISCHARGES (No Permit)			
1. Unpermitted discharge	IU unaware of requirement; No harm to POTW/environment	Phone call; Inspector visit with application form	PC, I
	IU unaware of requirement; The discharge is causing limited harm to POTW	Phone call; Plant visit; Compliance schedule Civil Penalty	I, PC PC, VP COO
	IU unaware of requirement; The discharge is causing major harm to POTW	Terminate services Schedule SRH AO- Show cause Damage Assessment Civil Penalty	COO PC, VP PC, VP COO COO
2. Nonpermitted discharge (Permit Required)	IU has not submitted application within 10 days of the due date	Phone call	I, PC
	IU has submitted a deficient application	Phone call	I, PC
	IU does not correct deficient application in 30 days	NONC Permit Denied Civil Penalty	I, PC PC, VP COO
	Failure to apply continues 45 days after notice by the POTW	Terminate Service Schedule SRH Civil Penalty	COO PC, VP COO
DISCHARGE LIMIT VIOLATIONS			
1. Exceedance of Local or Federal Standard (Permit Limit)	Isolated, not significant	Phone call NONC	I, PC I, PC
	Isolated, limited harm to POTW or environment	Phone call NONC Civil Penalty	I, PC I, PC COO
	Isolated, major harm to POTW or environment	NOV AO- Consent Publish Civil Penalty Damage Assessment	I, PC PC, VP I, PC COO COO
	Recurring, no harm to POTW/environment-significant	NOV, Publish Civil Penalty	I, PC COO
	Recurring significant-chronic or TRC Industry appears on two consecutive SAR's	AO- Show Cause Publish Civil Penalty	PC, VP PC, VP COO
	Industry appears on three consecutive SAR's	Terminate Services Schedule SRH Civil Penalty	COO PC, VP COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
MONITORING & REPORTING VIOLATIONS			
1. Reporting violation	Report is improperly signed or certified	Phone call	I
	Report is improperly signed or certified after notice by POTW	NONC Civil Penalty	I, PC COO
	Isolated not significant (e.g. 10 days late)	Phone call	I, PC
	Significant (e.g. report 30 days or more late)	NOV Publish Civil Penalty	I, PC I, PC COO
	Reports are always late or no reports at all	NOV Publish Civil Penalty	I, PC I, PC COO
	Failure to report spill or changed discharge (no harm)	Phone call Civil Penalty	I, PC COO
	Failure to report spill or changed discharge (results in limited harm)	NOV Civil Penalty	I, PC COO
	Failure to report spill or changed discharge (results in major harm)	AC- Show Cause Publish Civil Penalty Damage Assessment	PC, VP I, PC COO COO
	Repeated failure to report spills (results in major harm)	Terminate service Schedule SRH Publish Civil Penalty	COO PC, VP I, PC COO
	Falsification	Criminal investigation Publish Civil Penalty Terminate Services Schedule SRH	EPA I, PC COO COO PC, VP
2. Failure to monitor correctly	Failure to monitor all pollutants required by permit	NOV Civil Penalty	I, PC COO
	Recurring failure to monitor	AO- Show Cause Civil Penalty	PC, VP COO
3. Improper sampling	Evidence of intent	Terminate services Schedule SRH Civil Penalty Criminal investigation	COO PC, VP COO EPA
4. Failure to install monitoring equipment	Delay of less than 30 days	Phone call; Inspector visit	I, PC
	Delay of 30 days or more	NOV Publish Civil Penalty	I, PC I, PC COO
	Non-compliance with NOV	AO- Consent Civil Penalty Terminate services Schedule SRH	VP COO COO PC, VP
5. Compliance Schedules (in permit)- missed milestone	By less than 30 days, or will not affect final milestone	Phone call	I, PC

	By more than 30 days, or will affect final milestone (good cause for delay) by 90 days or more	NOV Publish Civil Penalty	I, PC I, PC COO
	By more than 30 days, or will affect final milestone (no good cause for delay) by 90 days or more	AO- Show Cause Publish Civil Penalty	PC, VP I, PC COO
	Violation of schedule in AO- Show Cause	Terminate services Schedule SRH Civil Penalty	COO PC, VP COO
NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of treatment	Initial violation	NOV	I, PC
	Recurring	AO- Show Cause Civil Penalty	PC, VP COO
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	I, PC
	Does result in harm	AO- Show Cause Civil Penalty Damage Assessment	PC, VP COO
	Does result in emergency	Terminate service Schedule SRH Publish Civil Penalty	COO PC, VP I, PC COO
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
VIOLATIONS DETECTED (Site Visits)			
1. Entry Denial	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU Terminate services Schedule SRH Publish Civil Penalty	I, PC COO PC, VP I, PC COO
2. Illegal Discharge	No harm to POTW or environment	Record on inspection form	I
	Discharge causes harm and no evidence of intent/negligence	NOV Civil Penalty	I, PC COO
	Recurring	AO- Show Cause Civil Penalty	PC, VP COO
	Discharges cause harm and evidence of intent/negligence	Terminate Services Schedule SRH Publish Civil Penalty Criminal Investigation	COO PC, VP I, PC COO EPA
3. Improper Sampling	Unintentional sampling at incorrect location	Inspector notification	I
	Unintentionally using incorrect sample type	Inspector notification	I
	Unintentionally using incorrect sample collection techniques	Inspector notification	I
4. Inadequate record keeping	Inspector finds files incomplete or missing (no evidence of intent)	NOV Civil Penalty	I, PC COO
	Recurring	AO- Consent Civil Penalty	PC, VP COO
	Violation of AO- Consent	Terminate Services Schedule SRH Publish Civil Penalty	COO PC, VP I, PC COO
5. Failure to report additional monitoring	Inspector finds additional files	NOV	I, PC
	Recurring	AO- Show Cause Civil Penalty	PC, VP COO
	Violation of AO- Show Cause	Terminate Services Schedule SRH Publish Civil Penalty	COO PC, VP I, PC COO

NOTES ON RESPONSES

The above enforcement responses are the probable initial ones.

A. *KUB* will use its discretion in determining whether to issue Civil Penalties and will consider, among other things, the following criteria when determining the size of any such Civil Penalty:

- ❖ Magnitude of the violation
- ❖ Duration of the violation
- ❖ Effect of the violation on *KUB's wastewater system* of the receiving water body
- ❖ Economic benefit derived by *industrial user* as the result of violation
- ❖ Compliance history of the *industrial user*
- ❖ Good faith efforts of the *industrial user* to correct the violation

- B. Violations, which threaten health, property or environment quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- C. *KUB* will escalate into a more stringent action if industry fails to return to compliance.
- D. For more complete information concerning enforcement, abatement and appeals refer to Sections XV and XVI of the *Rules and Regulations*.

Key:

AO = Administrative Order

COO = *KUB* Chief Operating Officer

EPA = US *Environmental Protection Agency*

I = *KUB* Inspector

NONC = Notice of Noncompliance

NOV = Notice of Violation

PC = *Pretreatment* Coordinator

SRH = Service Renewal Hearing

VP = *KUB* Vice President



Knoxville Utilities Board

Rules and Regulations – Wastewater Division

Appendix D. Enforcement Response Guide – Grease Control Program

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
NO PERMIT (Unauthorized Discharges)			
1. FSF has no permit; unpermitted grease discharge	FSF unaware of requirement; No harm to POTW/ environment/property	Phone call Inspector visit Program notification letter	PC I PC
	FSF unaware of requirement; The discharge is causing limited harm to POTW/ environment/property	Phone call Inspector visit Program notification letter NONC NOV Publish AO- Show cause Terminate Service(s) Schedule SRH Civil Penalty	PC, I I PC I, PC I, PC PC PC, M/VP COO PC, M/VP COO
	FSF unaware of requirement; The discharge is causing major harm to POTW/environment/ property	Terminate Service(s) Schedule SRH AO- Show cause Civil Penalty Damage Assessment	COO PC, M/VP PC, M/VP COO COO
2. FSF failure to pay permit fee	FSF does not submit payment of permit fee within 10 days of due date	Phone call Notification letter	I, PC PC
	FSF does not submit payment within 30 days of due date	NONC	I, PC
	FSF does not submit payment within 60 days of due date	NOV AO-Show cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC PC, M/VP COO PC, M/VP COO
GREASE CONTROL EQUIPMENT			
1. Failure to install grease trap/interceptor to meet KUB guidelines for grease trap/interceptor design and installation	No grease trap/interceptor; Inadequate/improper grease trap design and/or installation	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
2. Grease trap/interceptor structural failure	Failure or malfunction of components (baffle, walls, tees, etc.)	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	No or impeded access to structure inspection and/or cleanout openings	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
3. Inadequate maintenance of trap	Failure to perform scheduled and/or required cleaning/pumping	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	Failure to keep solids less than or equal to 25% by volume in external grease trap/interceptor structure	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
	Failure to clean internal traps minimum every two weeks, or as needed/required to control grease discharge	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO COO
REPORTING			
1. Trap/Interceptor pumping records not maintained	Failure to maintain proper pumping records onsite for a minimum of 24 months from previous inspection	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
	Failure to submit pumping records to KUB if required	Phone call Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
2. Failure to report upgrades/changes to existing facilities to KUB	Failure to report additions/changes to FSF that impact grease discharge to POTW (seating capacity increase, operating hours increased, addition of cooking eqpt using grease, additional fixtures, menu changes, etc.)	Phone call Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
3. Failure to report improper operation or failure of grease control equipment	Failure to notify KUB of improper operation or failure of grease trap/interceptor that contributes to the temporary or permanent loss of grease control	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
SITE VISITS			
1. Entry denial	Failure to allow KUB access to FSF premises for purposes of performing a Grease Control Program inspection	NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I, PC PC PC, M/VP COO PC, M/VP COO
2. Inadequate FSF employee training and/or recordkeeping	Failure to train FSF employees in proper grease handling and disposal practices	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO
	Failure to maintain onsite sufficient documentation of the administration of such training	Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	I I, PC I, PC PC PC, M/VP COO PC, M/VP COO

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSES	PERSONNEL
Other			
1. Failure to respond to KUB enforcement action	General failure to respond, within specified time periods, to KUB enforcement and related actions	AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty	PC, M/VP COO PC, M/VP COO

NOTES ON RESPONSES

The above enforcement responses are the probable initial ones.

A. *KUB* will use its discretion in determining whether to issue Civil Penalties and will consider, among other things, the following criteria when determining the size of any such Civil Penalty:

- ❖ Magnitude of the violation
- ❖ Duration of the violation
- ❖ Effect of the violation on *KUB's wastewater system* and/or the environment
- ❖ Economic benefit derived by the *user* as the result of violation
- ❖ Compliance history of the *user*
- ❖ Good faith efforts of the *user* to correct the violation

B. Violations, which threaten health, property or environment quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

C. *KUB* will escalate into a more stringent action if the *user* fails to return to compliance.

D. For more complete information concerning enforcement, abatement and appeals refer to Sections XV and XVI of the *Rules and Regulations*.

Key:

- AO = Administrative Order
- COO = *KUB Chief Operating Officer*
- I = *KUB Inspector*
- M = *KUB Manager*
- NONC = Notice of Noncompliance
- NOV = Notice of Violation
- PC = *KUB Program Coordinator*
- SRH = Service Renewal Hearing
- VP = *KUB Vice President*



Knoxville Utilities Board
Rules and Regulations – Wastewater Division
Appendix E - Enforcement Response Guide - Private Service Laterals

Executive Summary

Per Section VII.D.1.(d).(iii) of the *Consent Decree*, *KUB* is required to prepare and submit within one hundred eighty (180) days after the Date of Entry an enforcement response guide (ERG). The ERG addresses private laterals that may contain defects and/or improper connections that meet the following guidelines:

- Are potential sources of inflow and infiltration (I/I) to *KUB’s wastewater collection treatment system* and may cause or contribute to SSOs or other violations of *KUB’s NPDES permits*
- Allow for the possible exfiltration of *wastewater* onto or below the surface of the ground that could then enter the stormwater system
- Allow roots and/or debris to enter *KUB’s wastewater collection treatment system* through cracks, holes, or poorly sealed joints, thus restricting flow and increasing the likelihood of SSOs.

In addition to the ERG for the Private Laterals, *KUB’s Rules and Regulations* for the *Wastewater Division* (the “Rules and Regulations”) detail the appeals and enforcement processes for the ERG and outline *KUB’s* rules for inspection and rehabilitation for private sewer service laterals. The *EPA* approved the *Rules and Regulations* on October 15, 2004. The *KUB Board* formally adopted the *Rules and Regulations* at its December 16, 2004 open meeting, and subsequently adopted revised *Rules and Regulations* at its March 17, 2011 open meeting.

KUB entered into a Memorandum of Understanding (MOU) with the City of Knoxville on November 4, 2004. One item addressed by the MOU is the role of the City Plumbing Inspector in the process *KUB* will follow to require customers to repair or replace defective laterals and remove improper connections. This process is reflected in the ERG for Private Laterals. The MOU details *KUB’s* graduated enforcement responses, which are also included in the ERG for Private Laterals.

Deliverable Requirement	Document Reference
Include an array of tools available to <i>KUB</i> to require <i>customers</i> to repair or replace Private Laterals identified as having such defects and/or improper <i>connections</i>	See ERG for Private Laterals and <i>Rules and Regulations</i> Section XV, detailing the enforcement
Identify the process that <i>KUB</i> will follow to require <i>customers</i> to repair or replace the identified Private Laterals	See ERG for Private Laterals and <i>Rules and Regulations</i> Section V.2.(C)
Set forth a series of graduated enforcement responses by <i>KUB</i> , including termination of services, in the event a <i>customer</i> fails to repair or replace the identified lateral	See ERG for Private Laterals and MOU Section 4

Describe the notice <i>KUB</i> provides to <i>customers</i> to require repair or replacement of identified private laterals and the process a <i>customer</i> must follow to challenge <i>KUB's</i> determination that repair or replacement is necessary or <i>KUB's</i> enforcement response, such as termination of service	See ERG for Private Laterals, <i>Rules and Regulations</i> Sections V.2.(C) and XV, and MOU Section 4
Deliverable Requirement	Document Reference
Identify the process a <i>customer</i> must follow to request a waiver of any of the obligations to properly operate and maintain private laterals imposed by <i>KUB's Rules and Regulations</i> and the process <i>KUB</i> will use to consider granting or revoking such waivers	See <i>Rules and Regulations</i> Section XVI.1.B, detailing the process for the Appeals Board to grant exceptions
Maintain records of all decisions to grant or revoke such waivers and the basis for each such decision	See above. Also, see <i>Rules and Regulations</i> Section XVI.3, pertaining to the hearing procedures, including the right to have the hearing recorded stenographically or electronically



Knoxville Utilities Board

Rules and Regulations – Wastewater Division

Appendix E - Enforcement Response Guide - Private Service Laterals

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.(a) <i>Customer and/or user has improper connection to wastewater system that violates the Standard Plumbing Code of the City, the appropriate regulatory authority for the area of connection outside of the City, or KUB’s standards and specifications for connections to its wastewater system</i>	Allows for possible exfiltration of <i>wastewater</i> onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville’s municipal separate storm sewer	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
1.(b) <i>Customer and/or user has a defective private service lateral that contains defects</i>	Potential source(s) to the <i>wastewater system</i> of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the <i>wastewater system</i>	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
	Allow roots/debris to enter the <i>wastewater system</i> through cracks, holes or poorly sealed joints	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
2.(a) 30 days after mailing of 1 st NONC, <i>customer and/or user fails to fix improper connection or fails to request plumbing permit from COK PI</i>	Allows for possible exfiltration of <i>wastewater</i> onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville’s municipal separate storm sewer	NOV (within COK limits); NOV (outside COK limits but within <i>KUB’s wastewater service area</i>) Publish*	COK PI PC PC

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCMENT RESPONSES	PERSONNEL
2.(b) 30 days after mailing of 1 st NONC, <i>customer</i> and/or <i>user</i> fails to fix defective <i>private service lateral</i> or contact COK PI for plumbing permit	Potential source(s) to the <i>wastewater system</i> of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the <i>wastewater system</i>	NOV (if within COK limits) NOV (if outside COK limits but within <i>KUB’s wastewater service area</i>) Publish*	COK PI, PC PC
	Allow roots/debris to enter the <i>wastewater systems</i> through cracks, holes or poorly sealed joints	NOV (within COK limits) NOV (outside COK limits but within <i>KUB’s wastewater service area</i>) Publish*	COK PI PC PC
3.(a) 90 days after mailing of 1 st NONC, <i>customer</i> and/or <i>user</i> has failed to fix improper <i>connection</i> or apply for plumbing permit with COK PI	Allows for possible exfiltration of <i>wastewater</i> onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville’s municipal separate storm sewer	Inspector visit Publish* AO Show cause hearing; Notification to terminate; Terminate service(s) SRH	I PC I, PC, VP PC, COO PC, VP
3.(b) 90 days from mailing 1 st NONC, <i>customer</i> and/or <i>user</i> fails to fix defective <i>private service lateral</i> or apply for plumbing permit with COK PI	Potential source(s) to the <i>wastewater system</i> of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the <i>wastewater system</i>	Inspector visit Publish* AO Show cause hearing; Notification to terminate; Terminate service(s) SRH	I PC I, PC, VP PC, COO PC, VP
	Allow roots/debris to enter the <i>wastewater system</i> through cracks, holes or poorly sealed joints	Inspector visit Publish* AO Show cause hearing; Terminate service(s) SRH	I PC I, PC, VP PC, COO PC, VP

NOTES ON RESPONSES

The above enforcement responses are the probable initial ones.

- A. Violations, which threaten health, property, or environmental quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- B. For more complete information concerning enforcement, abatement, and appeals refer to sections XV and XVI of the *Rules and Regulations*.
- C. * In the case of nonresident or unknown owners, service of the notice may be made by publication in a daily newspaper, published in the *City* or in a newspaper of general circulation within the service area, for a period of three (3) days. Upon completion of such publication, the notice requirement will be satisfied.

Key:

AO = Administrative Orders
COK = City of Knoxville
COK PI = City of Knoxville Plumbing Inspector
COO = *KUB Chief Operating Officer*
VP = *KUB Vice President*
I = *KUB Inspector*
NONC = Notice of Non-compliance
NOV = Notice of Violation
PC = *KUB Program Coordinator*
SRH = Service Renewal Hearing