KUB

Wastewater Division
Rules and Regulations
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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 efficient use, administration, operation, enlargement, 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 the same *rate* classes of *KUB’s Wastewater Division*.
4. Protect our environment through the professional management of our *wastewater 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 possible.
8. Promote the continued evolution and development of *wastewater system* operating guidelines and practices.

Section II. Scope

These *Rules and Regulations*, and all amendments hereto, apply to the application, implementation, and operation of *KUB’s wastewater system* and the provision of *wastewater service* to *KUB’s customers*, 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 part of all contracts and are enforceable through all contracts, actual or 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 City 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 policies and programs 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 any 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 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 Customer’s Premises.** *KUB* shall be granted access to the *customer’s premises* at all times for the purpose of:

   i) Reading meters;
   
   ii) Testing, inspecting, repairing, and maintaining all equipment belonging to *KUB*;
   
   iii) Clearing hazards away from *KUB’s wastewater* facilities, and removing and replacing all equipment belonging to *KUB*; and
   
   iv) Inspecting the *customer’s* and/or *user’s wastewater* facilities including but not limited to *private service laterals*, grinder pumps, *private wastewater* facilities, and the *customer’s premises*

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. **Customer’s Responsibility for KUB’s Property.** All meters, service connections, and other equipment deemed to be owned by *KUB* shall be and remain the property of *KUB*. The *customer* shall provide a space for and exercise proper care to protect *KUB’s property* on the *customer’s premises*; and in the event of loss or damage to *KUB’s property*, arising from neglect of *customer* to care for said property, the cost of necessary repairs or replacements shall be paid by the *customer*.

7. **Customer’s Responsibility for Compliance with Rules and Regulations.** Every *customer* shall comply with these *Rules and Regulations*, and 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 technologies for the operation of its *wastewater system*, which improve system reliability, increase operational flexibility and/or lower costs of operation.

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*,

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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 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:

1. 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.

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

3. 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.

4. 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.

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

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

7. 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.

8. Chief Executive Officer or President and CEO shall mean the President and Chief Executive Officer of KUB.

9. Chief Operating Officer or COO shall mean the Senior Vice President and Chief Operating Officer of KUB. The COO, subject to the supervision of the President and CEO, shall administer, implement, and enforce provisions of these Rules and Regulations.

10. 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.

11. City shall mean the City of Knoxville, Tennessee.

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

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

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

15. 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.

16. 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.

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

18. Connection charge shall mean that charge levied to defray the expenditure required to process the application, inspect the connection and approve the discharge permit.
19. **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.

20. **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.

21. **Domestic use of the facilities 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.

22. **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.

23. **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.

24. **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.

25. **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.

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

27. **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.

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

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

30. **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.

31. **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.

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

33. **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.

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

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

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

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

38. **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.

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

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

41. 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.

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

43. 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 1200-4-14-.05.

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

45. 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.

46. *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.

47. *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.

48. *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.

49. *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).

50. *PC* means *Pretreatment Coordinator*. 
51. *Person* shall mean any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns using the *wastewater system*. This definition includes all federal, state and local governmental entities and shall also include illicit users of *wastewater service* from *KUB*.

52. *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.

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

54. *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.

55. *Premises* shall mean any structure or group of structures operated as a single business or enterprise; provided, however, the term "*premises*" shall not include more than one *dwelling unit*.

56. *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).

57. *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*.

58. *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.
59. *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.

60. *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.

61. *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.

62. *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 Rate Schedule adopted by the Board.

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

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

65. *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*.

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

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

68. *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.

69. *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.
70. 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.

71. 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.

72. 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).

73. 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.

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

75. 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.


77. 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.

78. 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.

79. *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.

80. *TBI* means Tennessee Bureau of Investigation.

81. *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.

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

83. *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.

84. *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.

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

86. *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.

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

88. *Wastewater system* shall mean all facilities for collecting, pumping, treating and disposing of wastewater and sludge.
89. *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*.

90. *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.

Wherever the context shall admit or 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.

**Section IV. Initiation of Wastewater Service**

1. **Residential use.** A formal request for either original or additional service must be made to *KUB* by the *customer* or *user* and be duly approved by *KUB* before *connection* to the *wastewater system* is made. The receipt by *KUB* of a prospective *customer’s* request for service shall not obligate *KUB* to render the 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 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 service shall not obligate *KUB* to render the 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 and unincorporated areas in the metropolitan area of service. 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 owners 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 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 owner or user, or his 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 (iv) 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 owner or user, or his duly authorized agent, or by certified letter addressed to the last known place of residence of such owner or user, 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 owner or user 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 owner or user 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 owner or user must initiate an appeal in accordance with the appeals process set forth in these Rules and Regulations. If the owner or user fails to complete the work in the specified time or timely appeal such requirement, then the owner or user 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. 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 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 the clean-out plug at 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 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 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 wastewater system or (b) discontinue water service to such owner, tenant or occupant failing to connect such building to the 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 wastewater system component, or by discontinuing the operation of its wastewater collection, treatment and disposal facilities, for repair, extensions or connections, or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever or the termination of water and wastewater services as the result of violations by a customer or user 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 collection, treatment and disposal facilities in any reasonable manner for the protection of KUB’s wastewater system, customers and the environment.

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

KUB has the right to refuse service to a customer based on limited capacity of its wastewater system, outstanding debts owed by the customer to KUB, a customer’s credit rating as determined by an independent credit agency, dispute as to the ownership of the premises requested for service or the customer’s disputed right to occupancy of the premises, a violation of these Rules and Regulations and any rules of procedure established to implement these Rules and Regulations, nonpayment of a utility bill by the customer, or any other legitimate reason deemed in KUB’s best interests and the best interests of KUB’s wastewater system.

KUB has the authority to discontinue water and/or wastewater service to a wastewater customer based on outstanding debts by the customer to KUB, a customer’s credit rating as determined by an independent credit agency, a violation of these Rules and Regulations and any rules of procedure established to implement these Rules and Regulations, nonpayment of a utility bill by the customer, or any other legitimate reason deemed in KUB’s best interests and the best interests of KUB’s customers.
Section VIII. Rates for Wastewater Service

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

Section IX. Wastewater Charges

Charges for wastewater service shall be based upon the Rate Schedules of the Wastewater Division as adopted by the 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 qualified to use a secondary meter for the purpose of measuring water not discharged to KUB’s wastewater system to effect a reduction in wastewater charges, must furnish and install said meter at the customer’s expense. All expenses incident thereto, including testing, repair, maintenance, billing and reading, shall be borne by the property owner or occupant. Said meter must meet the requirements and standards of new meters then being installed by KUB. A customer must receive approval from KUB prior to the installation of a secondary meter.

4. **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 again resumed 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 consumers 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, fees

Under the provisions of its 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 wastewater system. This authorization involves the establishment, levy and collection of a service charge, connection charge, improvement charge, extra strength surcharge, or other charges deemed necessary from the users of the wastewater system. The President and 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. *KUB* may extend its service. 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 the *KUB* may deem appropriate under the circumstances and the availability of adequate collection, transportation and treatment capacity in the wastewater system. Costs for extensions in excess of the investment of *KUB* shall be paid by *customers* associated with such extensions and will constitute a contribution in aid of construction (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 construction advance.

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*, the 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 discretionary even though all requirements have been met. Nothing contained herein shall be construed as requiring *KUB* to
extend wastewater service to any property. Wastewater system extensions shall not be denied on the basis of race, sex, religion, color, age or national origin.

2. Construction of KUB Mains and Facilities

A. All wastewater system facilities shall be constructed by KUB personnel or by a licensed contractor acceptable to KUB.

B. Notwithstanding anything contained herein to the contrary, where provision is made for wastewater system facilities to be constructed by KUB at the expense of the customer or any person other than KUB, KUB may allow such construction work to be performed by a contractor acceptable to KUB.

C. The size, type, and installation of wastewater system facilities shall comply with KUB’s standards and/or specifications and must be approved by KUB.

D. Construction work shall at all times be subject to inspection by KUB to assure that the work conforms to the standards and specifications of KUB.

E. No approval or inspection by KUB hereunder shall relieve the customer, person or the contractor of any liability to KUB or third parties for the work performed by the contractor.

F. Upon the completion of the wastewater system facilities and their inspection and approval by KUB, as determined by KUB in its sole discretion, such facilities shall become the property of KUB and thereafter become a part of KUB’s wastewater system. The persons paying the cost of constructing such facilities shall execute any written instrument requested by KUB to provide evidence of KUB’s title to such facilities. In consideration of such facilities being transferred to KUB, KUB shall incorporate such facilities as an integral part of KUB’s wastewater system in accordance with these Rules and Regulations.

G. KUB may, at the request of a customer or person, relocate or change existing wastewater system facilities. The customer or person may be required to reimburse KUB for project costs including but not limited to appropriate overheads and associated costs of easement acquisitions. When a public right-of-way is changed for the benefit of private interests and KUB’s wastewater system facilities must be adjusted to accommodate said change,
the cost of such adjustments shall be paid on a cash, 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 facilities must be acceptable to and shall be approved by KUB and any other governing entities, including but not limited to the applicable local or state regulatory authority. Construction work shall at all times be subject to inspection by KUB. The owner of the development, such as the developer, the developer’s legally authorized successor, a homeowner’s association, 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 development and/or customer to rectify the violation at the owner of the development and/or customer’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 development and/or customer 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, 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
Section XV. Wastewater Rules and Regulations Enforcement

1. **Violation deemed public nuisance.** It shall constitute a public nuisance and shall be unlawful for any person 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 wastewater discharge permit, or any other applicable law or regulation, then KUB shall notify the customer of such violation. Failure of KUB to provide notice of a violation to a customer shall not in any way relieve the customer from any consequences of such a discharge or the customer’s responsibility to fully comply with the applicable requirements.

3. **Conciliation Meeting.** KUB may, but shall not be required to, invite the customer and/or representatives of the customer to a conciliation meeting to discuss the violation and methods of correcting the cause of violation. Such additional meetings as KUB and the customer deem advisable may be held to resolve the problem. If the customer 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 wastewater discharge permit, if applicable. KUB may terminate the conciliation process and commence enforcement action at any time to assure customer’s compliance.

4. **Show cause hearing.** KUB may issue a show cause notice to the customer directing the customer to appear before the designated KUB official at a specified date and time to show cause why the customer should not be issued a civil penalty, have the customer’s wastewater discharge permit, if applicable, modified, suspended, or revoked, or have the customer’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, via certified mail, return receipt requested, or shall personally deliver to the customer written notice of the nature of the violation, any proposed
changes to the customer’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 or other person 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 person.

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 or any other person 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 or other person within 14 days or such other time as KUB shall specify of the date such claim was served on the customer by personal service or by sending a registered letter to the customer or other person.

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 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 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 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 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
   v. Good faith efforts of the customer to correct the violation
   vi. Economic benefit derived by the person as the result of the violation
   vii. The person’s ability to pay

10. Enforcement Response Guides for Pretreatment Program and Grease Program Violations. The Enforcement Response Guide for Pretreatment Program, attached to these Rules and Regulations as Appendix C and the Enforcement Response Guide for 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 of the KUB wastewater system, or person for any civil penalty imposed by KUB’s enforcement of these Rules and Regulations, a wastewater discharge permit, or of any federal, state, or local law or regulation by KUB against such customer or user;

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. To 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. To 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. To 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 XIV, 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, containing a civil penalty, and/or of 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 14, 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.
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Section I. Prohibitions and Limitations on Discharges into Publicly Owned Treatment Works (POTW)

Section II. Permits, Reports and Records

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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 permit, 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.”


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

<table>
<thead>
<tr>
<th>POLLUTANT</th>
<th>KUWAHEE WWTP</th>
<th>FOURTH CREEK WWTP</th>
<th>LOVES CREEK WWTP</th>
<th>EASTBRIDGE WWTP</th>
</tr>
</thead>
<tbody>
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<td>Copper</td>
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<td>0.425</td>
<td>0.425</td>
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<td>0.352</td>
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<tr>
<td>Trichloroethylene</td>
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<td>Total phthalates</td>
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</table>

Revised 2000
### Table II

#### LOCAL LIMITS

- **mg/l**

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<thead>
<tr>
<th>POLLUTANT</th>
<th>KUWAHEE WWTP</th>
<th>FOURTH CREEK WWTP</th>
<th>LOVES CREEK WWTP</th>
<th>EASTBRIDGE WWTP</th>
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<tr>
<td>Copper</td>
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<td>4.748</td>
<td>4.378</td>
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<td>0.493</td>
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<tr>
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<td>Total phthalates</td>
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<td>4.083</td>
<td>3.765</td>
<td>2.120</td>
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</tbody>
</table>

#### 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(l). 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
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;

tax. 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.
Appendix B

KUB

GREASE CONTROL PROGRAM

Second Revision
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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 cause 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.*

<table>
<thead>
<tr>
<th>Type of Restaurant Fixture</th>
<th>Flow Rate</th>
<th>No. of Fixtures</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single compartment sink</td>
<td>20 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Double compartment sink</td>
<td>25 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2, single compartment sinks</td>
<td>25 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2, double compartment sinks</td>
<td>35 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Triple sink</td>
<td>35 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor drains, 1 ½ or 2 in. drain</td>
<td>35 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Janitor sink</td>
<td>35 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 gal. Dishwasher</td>
<td>15 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 gal. Dishwasher</td>
<td>25 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50-100 gal. Dishwasher</td>
<td>40 gpm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garbage grinder or disposal</td>
<td>40 gpm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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-Buffet = .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
## Appendix C. Enforcement Response Guide  
**Pretreatment Program**

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNAUTHORIZED DISCHARGES (No Permit)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Unpermitted discharge</td>
<td>IU unaware of requirement; No harm to POTW/environment</td>
<td>Phone call; Inspector visit with application form</td>
<td>PC, I</td>
</tr>
<tr>
<td></td>
<td>IU unaware of requirement; The discharge is causing limited harm to POTW</td>
<td>Phone call; Plant visit; Compliance schedule; Civil Penalty</td>
<td>I, PC; PC, VP; COO</td>
</tr>
<tr>
<td></td>
<td>IU unaware of requirement; The discharge is causing major harm to POTW</td>
<td>Terminate services; Schedule SRH; AO- Show cause; Damage Assessment; Civil Penalty</td>
<td>COO; PC, VP; PC, VP; COO</td>
</tr>
<tr>
<td>2. Nonpermitted discharge (Permit Required)</td>
<td>IU has not submitted application within 10 days of the due date</td>
<td>Phone call</td>
<td>I, PC</td>
</tr>
<tr>
<td></td>
<td>IU has submitted a deficient application</td>
<td>Phone call</td>
<td>I, PC</td>
</tr>
<tr>
<td></td>
<td>IU does not correct deficient application in 30 days</td>
<td>NONC Permit Denied; Civil Penalty</td>
<td>I, PC; PC, VP; COO</td>
</tr>
<tr>
<td></td>
<td>Failure to apply continues 45 days after notice by the POTW</td>
<td>Terminate Service; Schedule SRH; Civil Penalty</td>
<td>COO; PC, VP; COO</td>
</tr>
</tbody>
</table>

## DISCHARGE LIMIT VIOLATIONS

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exceedance of Local or Federal Standard (Permit Limit)</td>
<td>Isolated, not significant</td>
<td>Phone call; NONC</td>
<td>I, PC; I, PC</td>
</tr>
<tr>
<td></td>
<td>Isolated, limited harm to POTW or environment</td>
<td>Phone call; NONC; Civil Penalty</td>
<td>I, PC; I, PC; COO</td>
</tr>
<tr>
<td></td>
<td>Isolated, major harm to POTW or environment</td>
<td>NOV; AO- Consent; Publish; Civil Penalty; Damage Assessment</td>
<td>I, PC; PC, VP; I, PC; COO; COO</td>
</tr>
<tr>
<td></td>
<td>Recurring, no harm to POTW/environment-significant</td>
<td>NOV, Publish; Civil Penalty</td>
<td>I, PC; COO</td>
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<td>Recurring significant-chronic or TRC</td>
<td>AO- Show Cause; Publish; Civil Penalty</td>
<td>PC, VP; PC, VP; COO</td>
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<td>Industry appears on two consecutive SAR’s</td>
<td>Terminate Services; Schedule SRH; Civil Penalty</td>
<td>COO; PC, VP; COO</td>
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<td>Industry appears on three consecutive SAR’s</td>
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<td>NONCOMPLIANCE</td>
<td>NATURE OF VIOLATION</td>
<td>ENFORCEMENT RESPONSES</td>
<td>PERSONNEL</td>
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<td>1. Reporting</td>
<td>Report is improperly signed or certified</td>
<td>Phone call</td>
<td>I</td>
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<tr>
<td>violation</td>
<td>Report is improperly signed or certified after notice by POTW</td>
<td>NONC, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Isolated not significant (e.g. 10 days late)</td>
<td>Phone call</td>
<td>I, PC</td>
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<td>Significant (e.g. report 30 days or more late)</td>
<td>NOV, Publish, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Reports are always late or no reports at all</td>
<td>NOV, Publish, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Failure to report spill or changed discharge (no harm)</td>
<td>Phone call, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Failure to report spill or changed discharge (results in limited harm)</td>
<td>NOV, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Failure to report spill or changed discharge (results in major harm)</td>
<td>AC- Show Cause, Publish, Civil Penalty, Damage Assessment</td>
<td>PC, VP, I, PC, COO</td>
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<td>Repeated failure to report spills (results in major harm)</td>
<td>Terminate service, Schedule SRH, Publish, Civil Penalty</td>
<td>COO, PC, VP, I, PC, COO</td>
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<td></td>
<td>Falsification</td>
<td>Criminal investigation, Publish, Civil Penalty, Terminate Services, Schedule SRH</td>
<td>EPA, I, PC, COO, COO, PC, VP</td>
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<td>2. Failure to monitor correctly</td>
<td>Failure to monitor all pollutants required by permit</td>
<td>NOV, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Recurring failure to monitor</td>
<td>AO- Show Cause, Civil Penalty</td>
<td>PC, VP, COO</td>
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<tr>
<td>3. Improper sampling</td>
<td>Evidence of intent</td>
<td>Terminate services, Schedule SRH, Civil Penalty, Criminal investigation</td>
<td>COO, PC, VP, COO, EPA</td>
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<tr>
<td>4. Failure to install monitoring equipment</td>
<td>Delay of less than 30 days</td>
<td>Phone call; Inspector visit</td>
<td>I, PC</td>
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<td>Delay of 30 days or more</td>
<td>NOV, Publish, Civil Penalty</td>
<td>I, PC, COO</td>
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<td>Non-compliance with NOV</td>
<td>AO- Consent, Civil Penalty, Terminate services, Schedule SRH</td>
<td>VP, COO, COO, PC, VP</td>
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<tr>
<td>5. Compliance Schedules (in permit)- missed milestone</td>
<td>By less than 30 days, or will not affect final milestone</td>
<td>Phone call</td>
<td>I, PC</td>
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</table>
By more than 30 days, or will affect final milestone (good cause for delay) by 90 days or more

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<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
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<tbody>
<tr>
<td>By more than 30 days, or will affect final milestone (no good cause for delay) by 90 days or more</td>
<td>AO- Show Cause Publish Civil Penalty</td>
<td>PC, VP I, PC COO</td>
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<tr>
<td>Violation of schedule in AO- Show Cause</td>
<td>Terminate services Schedule SRH Civil Penalty</td>
<td>COO PC, VP COO</td>
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</table>

OTHER PERMIT VIOLATIONS

1. Wastestreams are diluted in lieu of treatment
   - Initial violation
   - NOV
   - I, PC

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

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
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<tbody>
<tr>
<td><strong>NO PERMIT (Unauthorized Discharges)</strong></td>
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</tbody>
</table>
| 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 |
| | 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 |
| | 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 |
| 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 |
| | 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 |

### GREASE CONTROL EQUIPMENT

<table>
<thead>
<tr>
<th>NONCOMPLIANCE</th>
<th>NATURE OF VIOLATION</th>
<th>ENFORCEMENT RESPONSES</th>
<th>PERSONNEL</th>
</tr>
</thead>
</table>
| 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 |
<p>| | | | I, PC |
| | | | PC, M/VP |
| | | | COO |
| | | | PC, M/VP |
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<tr>
<th>NONCOMPLIANCE</th>
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<th>PERSONNEL</th>
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<tr>
<td>2. Grease trap/interceptor structural failure</td>
<td>Failure or malfunction of components (baffle, walls, tees, etc.)</td>
<td>Inspector visit NONC NOV Publish AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty Damage Assessment</td>
<td>I PC M/VP COO</td>
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</table>
| Failure to submit pumping records to KUB if required | Phone call  
Inspection 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 | Phone call  
Inspection 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 |
| 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.) | 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 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 |
<table>
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<tr>
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<tbody>
<tr>
<td><strong>Other</strong></td>
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<tr>
<td>1. Failure to respond to KUB enforcement action</td>
<td>General failure to respond, within specified time periods, to KUB enforcement and related actions</td>
<td>AO- Show Cause Terminate Service(s) Schedule SRH Civil Penalty</td>
<td>PC, M/VP COO PC, M/VP COO</td>
</tr>
</tbody>
</table>

**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
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.

<table>
<thead>
<tr>
<th>Deliverable Requirement</th>
<th>Document Reference</th>
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<tbody>
<tr>
<td>Include an array of tools available to KUB to require customers to repair or replace</td>
<td>See ERG for Private Laterals and Rules and Regulations Section XV, detailing the</td>
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<tr>
<td>Private Laterals identified as having such defects and/or improper connections</td>
<td>enforcement</td>
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<tr>
<td>Identify the process that KUB will follow to require customers to repair or replace the</td>
<td>See ERG for Private Laterals and Rules and Regulations Section V.2.(C)</td>
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<tr>
<td>identified Private Laterals</td>
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<tr>
<td>Set forth a series of graduated enforcement responses by KUB, including termination of</td>
<td>See ERG for Private Laterals and MOU Section 4</td>
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<td>services, in the event a customer fails to repair or replace the identified lateral</td>
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</table>
Describe the notice *KUB* provides to *customers* to require repair or replacement of identified private laterals and the process a *customer* must follow to challenge *KUB’s* determination that repair or replacement is necessary or *KUB’s* enforcement response, such as termination of service. See ERG for Private Laterals, *Rules and Regulations* Sections V.2.(C) and XV, and MOU Section 4.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Identify the process a <em>customer</em> must follow to request a waiver of any of the obligations to properly operate and maintain private laterals imposed by <em>KUB’s Rules and Regulations</em> and the process <em>KUB</em> will use to consider granting or revoking such waivers</td>
<td>See <em>Rules and Regulations</em> Section XVI.1.B, detailing the process for the Appeals Board to grant exceptions</td>
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<td>Maintain records of all decisions to grant or revoke such waivers and the basis for each such decision</td>
<td>See above. Also, see <em>Rules and Regulations</em> Section XVI.3, pertaining to the hearing procedures, including the right to have the hearing recorded stenographically or electronically</td>
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<td>NONCOMPLIANCE</td>
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<td>1.(a) 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</td>
<td>Allows for possible exfiltration of wastewater 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</td>
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<tr>
<td>1.(b) Customer and/or user has a defective private service lateral that contains defects</td>
<td>Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the wastewater system</td>
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<td>Allow roots/debris to enter the wastewater system through cracks, holes or poorly sealed joints</td>
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<tr>
<td>2.(a) 30 days after mailing of 1st NONC, customer and/or user fails to fix improper connection or fails to request plumbing permit from COK PI</td>
<td>Allows for possible exfiltration of wastewater 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</td>
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* Publish: This action requires copying the notice to the appropriate regulatory agency, including but not limited to the City of Knoxville’s municipal separate storm sewer agency.
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<tr>
<td>2.(b) 30 days after mailing of 1st NONC, customer and/or user fails to fix defective private service lateral or contact COK PI for plumbing permit</td>
<td>Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the wastewater system</td>
<td>NOV (if within COK limits) &lt;br&gt; NOV (if outside COK limits but within KUB’s wastewater service area)</td>
<td>COK PI, PC</td>
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<td>Allow roots/debris to enter the wastewater systems through cracks, holes or poorly sealed joints</td>
<td>NOV (within COK limits) &lt;br&gt; NOV (outside COK limits but within KUB’s wastewater service area)</td>
<td>COK PI, PC</td>
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<td>3.(a) 90 days after mailing of 1st NONC, customer and/or user has failed to fix improper connection or apply for plumbing permit with COK PI</td>
<td>Allows for possible exfiltration of wastewater 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</td>
<td>Inspector visit &lt;br&gt; Publish* &lt;br&gt; AO Show cause hearing; Notification to terminate; Terminate service(s)</td>
<td>I, PC, VP</td>
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<tr>
<td>3.(b) 90 days from mailing 1st NONC, customer and/or user fails to fix defective private service lateral or apply for plumbing permit with COK PI</td>
<td>Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration (“I/I”) that may cause or contribute to wet weather overflows in the wastewater system</td>
<td>Inspector visit &lt;br&gt; Publish* &lt;br&gt; AO Show cause hearing; Notification to terminate; Terminate service(s)</td>
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<td>Allow roots/debris to enter the wastewater system through cracks, holes or poorly sealed joints</td>
<td>Inspector visit &lt;br&gt; Publish* &lt;br&gt; AO Show cause hearing; Terminate service(s)</td>
<td>I, PC, VP</td>
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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
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