

ORDINANCE 2012-1

AN ORDINANCE AMENDING TITLE 18 OF THE CITY OF BELLE MEADE CODE RELATIVE TO WATER & SEWER REGULATIONS

BE IT ORDAINED BY THE CITY OF BELLE MEADE, as follows:

Section 1. The following are additions, changes, or substitutions to Title 18, Chapter 3 Water and Sewer Regulations, Criteria for Use by Industries of the Publicly Owned Treatment Works, relative to recent changes in the Pretreatment Streamlining Regulations, as follows:

Addition or replacement of “Definitions” in Chapter 3, as follows:

Section 18-301: Definitions: Add the following definitions and re-number subsequent definitions accordingly, as follows:

(1)(e) “Best Management Practices” or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §18-303 (2) of the Belle Meade Code, or Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

(1)(ii) “Significant Non-Compliance” The City Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Metro Water Services, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D), or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Belle Meade Code Title § 18-303;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Belle Meade Code Title § 18-303 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Belle Meade Code Title § 18-303 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City Manager determines has caused, alone or in combination with other discharges, Interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City Manager’s exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or,

H. Any other violation(s), which may include a violation of Best Management Practices, which the City Manager determines will adversely affect the operation or implementation of the local pretreatment program.

Replace 18-301(1) (d) "Authorized representative of industrial user" in its entirety, as follows:

An authorized representative of an industrial user may be:

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

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

(iii) If the industrial user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;

(iv) Or the individuals described in A through C, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Belle Meade.

Replace 18-301 (1) (t) "Interference" in its entirety, as re-numbered, as follows:

(t) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Addition or replacement of "SECTIONS" in Chapter 3, as follows:

Replace Section 18-303 (16) in its entirety with the following:

(16) Prevention of Accidental and/or Slug Discharges. For the purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All Industrial Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, from diked areas or holding ponds of any waste regulated by this chapter. The permittee shall notify the POTW immediately by telephone of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five days, as prescribed in 40 CFR 403.8(f)(2)(v).

Significant Industrial Users (SIUs) are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge. The City must evaluate all SIUs for the need for a slug control plan or other actions. Any new SIUs shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the City. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the City. Should the City decide that a slug control plan is needed by the Industrial User, the plan shall contain, at a minimum, the following elements;

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within five days;

(d) If deemed necessary by the city manager, 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. (As added by ord. 84-11. 1987 Code § 13-303).

Add to Section 18-304, "Wastewater discharge permits", the following two new sections:

(2) Report Requirements

(h) Measurement of Pollutants:

(i) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.

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

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

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-303 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

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

Individual wastewater discharge permits must contain:

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

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

(c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, local limits, state or local law;

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

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

(f) Requirements to control slug discharge, if determined by the city manager to be necessary.

Replace Section 18-304 (7) "Compliance schedule and reporting requirements" in its entirety with the following:

(7) Compliance schedule and reporting requirements. SIU Compliance Monitoring Reports: All Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment

Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified.

The following conditions shall apply to the schedule required by paragraphs (2), (4), or (6) of this section:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment Requirements for the Industrial User to meet the applicable Pretreatment Standards and Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subsection (a) shall exceed nine months.

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

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

(e) Any Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the city manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (2) (d) of this section. At the discretion of the city manager, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city manager may agree to alter the months during which the above reports are to be submitted.

(f) The city manager may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (e) above shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User.

(g) The Industrial User shall notify the POTW immediately by telephone of any slug loading (within one hour) as defined by §18-302, by the Industrial User.

(h) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits, where requested by the city manager of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 C.F.R. Part 136 and amendments thereto or any other test procedures approved by the EPA or the city manager. Sampling shall be performed in accordance with the techniques approved by the EPA, or the city manager, and only by persons or companies approved by the city manager.

(i) Any Industrial User required by this section to submit a similar report to the City under the provisions of 40 CFR Section 403.12 may submit to the city manager a copy of said report in lieu of a separate report to the city manager provided that all information required by this title is included in the report to the City.

Add the following as Section 18-305, "Monitoring" and re-number the current Section 18-305 as Section 18-306 and subsequent Sections accordingly:

18-305. Monitoring. (1) Monitoring Procedures. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in this section, the results of this monitoring shall be included in the report submitted to the City. Where the Categorical Pretreatment Standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

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

(i) Be performed on composite and grab samples representative of the total wastewater flow discharged to the Metropolitan Government Sewerage System with the maximum time interval between samples no longer than sixty (60) minutes.

(ii) Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by the City for the required parameters.

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

(iv) Except as indicated in § 18-305 (a) (v), or if designated different in the User's permit, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

(vi) For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, The City may authorize a lower minimum. For the reports required by 15.60.270 [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14.12(5) and (8)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(b) Sample Location. All approved sampling shall be collected from the sample collection point as designated in the Industrial / Municipal User's permit as issued by the City.

(c) Test Procedures

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

(ii) Unless otherwise noted in the permit, all pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136

and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

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

(3) Records of monitoring activities – Retention for four years – Subject to inspection. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Any User subject to the reporting requirement established in this article shall be required to retain for a minimum of four years any records of monitoring activities results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the city manager, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the city manager, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency.


Section 2. This Ordinance shall become effective fifteen (15) days after its passage.

Passed on first reading:

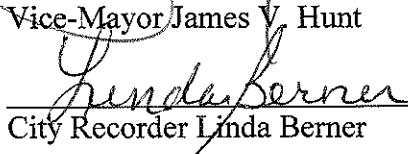
January 18, 2012

Passed on second reading:

June 20, 2012



Vice-Mayor James V. Hunt



City Recorder Linda Berner