

**§ 52.50 FEES.**

(A) *Purpose.* It is the purpose of this subchapter to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(B) *Charges and fees.*

(1) The town may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards;
- (g) Other fees as the town may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this subchapter and are separate from all other fees chargeable by the town.

(`92 Code, § 51.50) (Ord. 1-500, passed 1-7-85)

**§ 52.51 WASTEWATER DISCHARGE PERMIT.**

(A) *Wastewater dischargers.* It shall be unlawful to discharge without a town permit to any natural outlet within the town, or in any area under the jurisdiction of the town and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this subchapter.

(B) *Wastewater contribution permits.*

(1) *General permits.* All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 (optional) days after the effective date of this subchapter.

(2) *Permit application.*

(a) Users required to obtain a wastewater contribution permit shall complete and file with the town, an application in the form prescribed by the town, and accompanied by a fee of \$100. Existing users shall apply for a wastewater contribution permit within 30 (optional) days after the effective date of this subchapter, and proposed new users shall apply at least 90 (optional) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location, (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics including but not limited to those mentioned in §§ 52.42 through 52.49 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act (33 USC1314(g)) and contained in 40 CFR 136, as amended;
4. Time and duration of contribution;
5. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

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9. If additional pretreatment and/or will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the 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 division above shall exceed nine months.

c. Not later than 14 days following each date the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent 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 delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.

10. Each product produced by type, amount, process or processes and rate of production;

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

12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

13. Any other information as may be deemed by the town to be necessary to evaluate the permit application.

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

(3) *Permit modifications.* In nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by division (B)(2) above, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by divisions (B)(2)(a)8. and 9. above.

(4) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable regulations. User charges and fees established by the town. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports; or discharge reports (see § 52.52);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;
- (i) Requirements for notification of the town or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j) Requirements for notification of slug discharges as per § 52.58(B);

(k) Other conditions as deemed appropriate by the town to ensure compliance with this subchapter.

(5) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five (optional) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in §§ 52.42 through 52.49 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. ('92 Code, § 51.51) (Ord. 1-500, passed 1-7-85) Penalty, see § 52.99

#### **§ 52.52 REPORTING REQUIREMENTS FOR PERMITTEE.**

(A) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent 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 user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being set on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the 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.

(B) *Periodic compliance reports.*

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, 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 exceed the average daily flow reported in § 52.51(B)(2)(a)5. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The Superintendent may impose mass limitations on 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 division (1) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, 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 analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304(9) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

(`92 Code, § 51.52) (Ord. 1-500, passed 1-7-85)

**§ 52.53 MONITORING FACILITIES.**

(A) The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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(B) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.

(`92 Code, § 51.53) (Ord. 1-500, passed 1-7-85)

**§ 52.54 INSPECTION AND SAMPLING.**

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

(`92 Code, § 51.54) (Ord. 1-500, passed 1-7-85)

**§ 52.55 PRETREATMENT.**

(A) Users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

(B) The town shall annually publish in *The Smokey Mountain Times* newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(C) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.  
(`92 Code, § 51.55) (Ord. 1-500, passed 1-7-85)

#### **§ 52.56 CONFIDENTIAL INFORMATION.**

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this subchapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.  
(`92 Code, § 51.56) (Ord. 1-500, passed 1-7-85)

#### **§ 52.57 FALSIFYING INFORMATION.**

No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this subchapter, or wastewater contribution permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this subchapter.  
(`92 Code, § 51.57) (Ord. 1-500, passed 1-7-85) Penalty, see § 52.99

**§ 52.58 ENFORCEMENT.****(A) Harmful contributions.**

(1) The town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the town to violate any condition of its NPDES permit.

(2) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The town shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.

**(B) Revocation of permit.** Any user who violates the following conditions of this subchapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit.

**(C) Notification of violation.** Whenever the town finds that any user has violated or is violating this subchapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.

(D) *Show cause hearing.*

(1) The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Board of Aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Board of Aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

(a) Issue in the name of the Board of Aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Aldermen for action thereon.

(3) At any hearing held pursuant to this subchapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the Board of Aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(E) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of this subchapter, federal or state pretreatment requirements, or any order of the town, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county.

( '92 Code, § 51.58) (Ord. 1-500, passed 1-7-85)

**§ 52.99 PENALTY.**

(A) If any person shall violate any provision of §§ 52.01 through 52.27, he shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days.

(B) Any user who is found to have violated an order of the Board of Aldermen or who willfully or negligently failed to comply with any provision of §§ 52.40 through 52.56, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$100 nor more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated §§ 52.40 through 52.56 or the orders, rules, regulations, and permits issued hereunder.

(C) Any person who violates § 52.57 shall, upon conviction, be fined not more than \$1,000 or imprisoned for not more than six months, or both.

(`92 Code, § 51.99) (Ord. 1-500, passed 1-7-85)