

WASTEWATER  
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DIVISION 4. WASTEWATER REGULATIONS BOARD

**Sec. 31-57. Wastewater Regulations and Appeals Board.**

(a) *Established.* There is hereby established a Board of seven (7) members to be known as the "Wastewater Regulations and Appeals Board."

(b) *Composition; Terms; Filling Vacancies.* The seven (7) members of this board shall be appointed by the mayor, subject to the approval of the city council. The mayor shall appoint one (1) member each with the following qualifications: one (1) environmental engineer or environmental scientist, one (1) attorney, one (1) person employed or retired from an industrial or commercial establishment regulated by this article, and one (1) person that is experienced in the science or practice of finance. One (1) member shall be nominated by a regional user located in the State of Georgia and one (1) member nominated by a regional user in the State of Tennessee, but subject to approval by the mayor and confirmation by the city council of Chattanooga. The remaining member shall not have any qualification other than being an adult citizen of the area served by the regional system. The five (5) members of the board appointed before this reconstitution of the board shall continue to serve until their terms expire. The new members of the board and all future members of the board shall be appointed for terms of four (4) years. All members shall serve until their successor is appointed and all members shall serve at the pleasure of the mayor and the city council. In the event of a vacancy, the mayor shall appoint a member to fill the unexpired term subject to approval by the city council. The board shall organize and select its own chairman, vice chairman, and secretary who shall serve in said offices for terms of one (1) year. The members shall serve without compensation, but shall receive their actual expenses incurred in attending meetings of the board and the performance of any duties as members of the board.

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(c) *General Duties of the Board.* In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

- (1) To recommend from time to time to the city council that it amend or modify the provisions of this chapter;
- (2) To grant exceptions pursuant to the provisions of section 31-52 hereof, and to determine such issues of law and fact as are necessary to perform this duty;
- (3) To hold hearings upon appeals from orders or actions of the superintendent as may be provided under any provision of this chapter;
- (4) To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating thereto;
- (5) To hold such other hearings as may be required in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this article;
- (6) To request assistance from any officer, agent, or employee of the city or the Chattanooga-Hamilton County Regional Planning Commission and to obtain such information or other assistance as the board might need;
- (7) The board acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the board;
- (8) The chairman, vice chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the board;
- (9) The board shall hold regular annual meetings and such special meetings as the board may find necessary;

(d) *Quorum.* Five (5) members of the board shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the board shall require four (4) votes, but a majority of the quorum may decide any procedural matter.  
(Ord. No. 9409, § 2, 6-5-90)

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DIVISION 5. SUPERINTENDENT

**Sec. 31-58. Superintendent.**

(a) *Superintendent and Staff.* The superintendent and his staff shall be responsible for the administration of all sections of this chapter. Administratively, he shall be appointed by the mayor.

(b) *Authority of Superintendent.* The superintendent shall have the authority to enforce all sections of this chapter. He shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. He shall be responsible for the preparation of operating budgets subject to the normal budgetary processes of the City.

(c) *Records.* The superintendent shall keep in this office or at an appropriate storage facility all applications required under this chapter, a complete record thereof, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the Wastewater Regulations and Appeals Board.

(d) *Superintendent to Assist Board.* The superintendent shall attend all meetings of the Wastewater Regulations and Appeals Board, or whenever it is necessary for him to be absent he shall send a designated representative, and shall make such reports to and assist said board in the administration of this article.

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

(f) *Public Participation Notice.* The superintendent shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of National Pretreatment Standards. The superintendent shall at least annually provide public notification, in the largest daily newspaper published in Chattanooga, of a significant industrial user which, during the previous 12 months, were significantly violating applicable Pretreatment Standards or other

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Pretreatment Requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC [TRC=1.2 for toxic pollutants except pH];
  - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the superintendent believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
  - (5) Violation, by ninety (90) days or more after the schedule date, of a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
  - (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty (30) days of the due date;
  - (7) Failure to accurately report noncompliance; or
  - (8) Any other violation or group of violations which the superintendent considers to be significant.
- (g) *Regulations and Standards Authorized.* The superintendent may promulgate rules, regulations and design criteria not inconsistent with this chapter and have them printed for distribution. These rules may include requirements for performing wastewater characterizations,

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analysis and other measurements by standard methods approved by the superintendent. Such rules and regulations shall be ratified and adopted by the city council.

(h) *Certification of Wastewater Laboratories.* On and after July 1, 1991, all wastewater monitoring and preparation of reports required in sections 31-53 or 31-54 shall be done by laboratories approved and certified by the superintendent. Laboratories aspiring to be approved for purposes of submitting such monitoring reports shall submit to an inspection by the superintendent or his representative, and to annual reinspections thereafter. Such laboratories shall for a period of one (1) year maintain records of all monitoring activities for users of the city's sewer system containing the information specified in section 31-53. Such laboratories shall agree with and shall utilize the analytical test procedures described in section 31-53 and shall implement and maintain a reasonable quality control-quality assurance program. As a further condition of certification, such laboratories shall agree to and shall participate in a program of blind cross-check analyses with the city's laboratory at no cost to the City of Chattanooga.

(i) *Sewer Credits.* Approves secondary meters and determines other kinds of sewer user charge credits.

(j) *Approves New Construction.* Gives approval in acceptance of newly constructed sanitary sewer lines, pump stations and other appurtenances.  
(Ord. No. 9409, § 2, 6-5-90)

### DIVISION 6. PRETREATMENT ENFORCEMENT

#### **Sec. 31-59. Pretreatment enforcement; procedure; complaints; orders.**

(a) *Complaints and Orders.*

- (1) Whenever the superintendent has reason to believe that a violation of any provision of the pretreatment program of the city or orders of the Wastewater Regulations and Appeals Board issued pursuant thereto has occurred, is occurring, or is about to occur, the superintendent may cause a written complaint to be served upon the alleged violator or violators.
- (2) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform