

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

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**CHAPTER 1****WATER****SECTION**

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1988 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an expressed or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" consists of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(4) "Discount date" means the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, shall not include more than one (1) dwelling.

(7) "Accessible" means that water service is available, i.e. within fifty (50) feet from the water main to the property line. However, until a structure is upon the property which uses water no connection is required. (1988 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1988 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules regulations, and general practice, for such service the liability of the city to the applicant shall be limited to the return of any deposit made by the applicant. (1988 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1988 Code, § 13-105)

**18-106. Deposit.** A deposit or suitable guarantee in an amount set out below shall be required of any customer before water service is supplied. The city may, at its option, return the deposit to the customer after one (1) year. Upon termination of service, the deposit may be applied by the city against unpaid bills of the customer, and if any balance remains after such application is made, the balance shall be refunded to the customer.

DEPOSIT SCHEDULE

(1)	Residential (Owner) . . . . .	\$25.00
(2)	Residential (Non-owner). . . . .	\$50.00
(3)	Commercial 3/4" to 2" . . . . .	\$50.00
(4)	Commercial 4" and up . . . . .	\$100.00

(1988 Code, § 13-106)

**18-107. Connection charges.** Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. Location of these lines will be determined by the city. There will be a thirty dollar (\$30.00) connection charge when water is the only service being connected. Other miscellaneous service fees that may apply are:

Meter set fee/cut in fee requests made before 4:00 o'clock P.M. EST or next day service	\$30.00
Meter set fee/cut in fee requests made after 4:00 o'clock P.M. EST for same day service	\$60.00

Whenever service has been disconnected as provided for above, a reconnection charge of thirty dollars (\$30.00) for those meters reconnected before 4:00 o'clock P.M. EST shall be collected by the city before service is restored to any customer and a reconnection charge of sixty dollars (\$60.00) for those meters reconnected after 4:00 o'clock P.M. EST shall be collected by the city before service is restored to any customer. The city may refuse to connect or may disconnect service for the violation of any of its ordinances, rules and regulations.

Meter set fee/cut in fee requests made before 4:00 o'clock P.M. EST or next day service	\$30.00
Meter set fee/cut in fee requests made after 4:00 o'clock P.M. EST for same day service	\$60.00
New construction	\$25.00
Meter tampering charge	\$250.00
Reconnect fee requests made before 4:00 o'clock P.M. EST	\$30.00
Reconnect fee requests made after 4:00 o'clock P.M. EST	\$60.00
Return check fee	\$25.00

Before a new service line will be laid by the city, the applicant shall pay the city a tap fee in accordance with the following schedule, regardless of whether the service line is located inside the city limits or outside the city limits:

#### STANDARD TAP FEES

Three-fourths inch (3/4") tap	\$1,000.00
One inch (1") tap	\$1,200.00
Two inch (2") tap	\$3,500.00

For taps larger than two inches (2"), the fees shall be quoted by the Water Department Superintendent for the City of Dayton, Tennessee. For any new service line that requires additional work by a contractor (I .e. highway bore, etc.) the applicant shall pay for the cost of the contractor. (1988 Code, § 13-107, as amended by Ord. #447, June 2004, and replaced by Ord. #454, Oct. 2004, Ord. #582, June 2016, Ord. #587, Nov. 2016, Ord. #622, Feb. 2020 **Ch7\_01-04-20**, Ord. #631, Sept. 2020 **Ch7\_01-04-20**, and Ord. #685, March 2023 **Ch8\_12-04-23**)

**18-108. Main extensions to developed areas inside the city.**<sup>1</sup> The provisions of this section shall apply only to water main extensions of 500 feet or less to areas inside the city where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas. (1988 Code, § 13-108)

**18-109. Main extensions to other areas in the city by developers.** The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement lined iron pipe, class 200 American Water Works Association Standard, or Poly Vinyl Chloride pipe for water distribution that conforms to Commercial Standard CS-256-63 or ASTM Specification D2241-65 "Standard Specification for Poly Vinyl Chloride (PVC) Plastic Pipe (SDR-PR and Class T)" as it applies to Type I, Grade I or 2 Poly Vinyl Chloride Plastic Pipe, SDR 21, water pressure rating of 200 psi at 23 degrees C (72.4 degrees F), no less than six inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 500 feet from any buildings, such measurement to be based on road or street distance; galvanized iron pipe two inches in diameter (200 psi) or comparable PVC pipe as specified above, to supply dwellings only, may be used to supplement such lines.

All such lines shall be installed either by the city forces or by other forces working directly under the supervision of the city in accordance with plans and detailed specifications prepared or approved by the city's engineer, who shall be registered with the State of Tennessee.

Upon completion of these extensions and their approval by the city, the water mains shall become the property of the city. The persons paying the cost of constructing the mains shall execute any written instruments requested by the city to provide evidence of the city's title to the mains. In consideration of the mains being transferred to it, the city shall incorporate the mains as an integral part of the city water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to any limitations that exist because of the size and elevation of the mains. (1988 Code, § 13-109)

**18-110. Preceding two sections permissive only.** The authority to make water main extensions under §§ 18-108 and 18-109 is permissive only and nothing contained therein shall be construed as requiring the city to make water

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<sup>1</sup>Municipal code reference

Water and sewer extensions outside city: title 18, chapter 3.

main extensions or to furnish service to any person or persons. (1988 Code, § 13-110)

**18-111. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1988 Code, § 13-111)

**18-112. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
3/4", 1", 2"	2%
3"	3%
4"	4%
6" or above	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
3/4", 1"	\$ 2.00
2"	5.00
4"	12.00
6" or above	20.00

If the test show a meter not to be accurate within these limits, the cost of the meter test shall be borne by the city. (1988 Code, § 13-112)

**18-113. Schedule of rates.** The following charges shall be made for all water furnished by the city to its customers. All water shall be measured, or estimated, in gallons to the nearest multiple of one thousand (1,000) gallons and shall be paid for at the following rates:

**DAYTON:**

**RESIDENTIAL:**

<u>Monthly usage</u>	<u>Inside City Limits</u> (Per 1,000 gallons)	<u>Outside City Limits</u> (Per 1,000 gallons)
First 1,000 gallons	\$16.54 minimum	\$24.81 minimum
Next 4,000 gallons	\$5.83 each	\$8.90 each
Next 20,000 gallons	\$5.94 each	\$9.06 each
Next 25,000 gallons	\$6.25 each	\$9.25 each
All other	\$6.44 each	\$9.38 each

**COMMERCIAL:**

<u>Monthly usage</u>	<u>Inside City Limits</u> (Per 1,000 gallons)	<u>Outside City Limits</u> (Per 1,000 gallons)
First 1,000 gallons	\$24.81 minimum	\$37.21 minimum
Next 4,000 gallons	\$5.83 each	\$8.90 each
Next 20,000 gallons	\$5.94 each	\$9.06 each
Next 25,000 gallons	\$6.25 each	\$9.25 each
All other	\$6.44 each	\$9.38 each

**INDUSTRIAL (I1):**

<u>Monthly usage</u>	<u>Inside City Limits</u> (Per 1,000 gallons)
First 1,000 gallons	\$33.08 minimum
Next 4,000 gallons	\$5.83 each
Next 20,000 gallons	\$5.94 each
Next 25,000 gallons	\$6.25 each
All other	\$6.44 each

**INDUSTRIAL (I2):**

<u>Monthly usage</u>	<u>Inside City Limits</u> (Per 1,000 gallons)
First 1,000 gallons	\$45.86 minimum
Next 4,000 gallons	\$5.83 each
Next 20,000 gallons	\$5.94 each
Next 25,000 gallons	\$6.25 each
All other	\$6.44 each

**Industrial Rate 2 Guidelines/Requirements:**

1. Must purchase a minimum of 100,000 gallons of water per day
2. Must have only one discharge point to the city's sewer system
3. Must have an approved sampling/metering station on their discharge
4. Must be located within the corporate limits of the City of Dayton.

**SUMMER CITY DISTRICT:****RESIDENTIAL:**

<u>Monthly usage</u>	<u>Per 1,000 gallons</u>
First 2,000 gallons	\$34.78 minimum
Next 3,000 gallons	\$11.91 each
Next 5,000 gallons	\$12.50 each
Next 10,000 gallons	\$12.69 each
All other	\$12.88 each

**COMMERCIAL:**

<u>Monthly usage</u>	<u>Per 1,000 gallons</u>
First 2,000 gallons	\$52.16 minimum
Next 3,000 gallons	\$11.91 each
Next 5,000 gallons	\$12.50 each
Next 10,000 gallons	\$12.69 each
All other	\$12.88 each



**EVENSVILLE DISTRICT:****RESIDENTIAL:**

<u>Monthly usage</u>	<u>Per 1,000 gallons</u>
First 1,000 gallons	\$31.25 minimum
Next 4,000 gallons	\$ 9.00 each
Next 20,000 gallons	\$ 9.19 each
Next 25,000 gallons	\$ 9.38 each
All other	\$ 9.69 each

**COMMERCIAL:**

<u>Monthly usage</u>	<u>Per 1,000 gallons</u>
First 1,000 gallons	\$43.75 minimum
Next 4,000 gallons	\$ 9.00 each
Next 20,000 gallons	\$ 9.19 each
Next 25,000 gallons	\$ 9.38 each
All other	\$ 9.69 each

The rate charged to an existing utility district, other than one owned or managed by the city, shall be the rate calculated by the yearly report of comparative costs of operation of the Dayton Water System, plus twenty percent (20%). The rate shall be adjusted at the end of each fiscal year and will be implemented on the 1st day of September of each year and shall continue each and every year thereafter until further amended.

The minimums stated above in each district shall apply only to metered customers. All customers receiving water without a meter shall pay a minimum bill that is fifteen cents (\$.15) higher than each minimum listed above for each district. (1988 Code, § 13-113, as amended by Ord. #412, Nov. 2000, and Ord. #413, Nov. 2000, and replaced by Ord. #489, June 2007, Ord. #527, Jan. 2010, Ord. #539, Aug. 2010, Ord. #558, June 2012, Ord. #560, June 2013, Ord. #566, June 2014, Ord. #574, June 2015, Ord. #582, June 2016, Ord. #596, June 2017, Ord. #611, June 2018 *Ch7\_01-04-21*, Ord. #618, July 2019 *Ch7\_01-04-21*, Ord. #648, Aug. 2021 *Ch8\_12-04-23*, and Ord. #692, Aug. 2023 *Ch8\_12-04-23*)

**18-114. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it. This computation shall be made at the city's applicable water rate schedule, including the provisions as to minimum bills. The separate charges for each dwelling 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. (1988 Code, § 13-114)

**18-115. Billing.** A copy of the current applicable rates may be obtained at the Dayton City Hall and an effort will be made to notify customers of any rate changes either by public media or mail.

Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate; otherwise, the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1988 Code, § 13-115)

**18-116. Discontinuance or refusal of service.** The city manager may discontinue service or refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.

(3) The customer's contract for service.

This right to discontinue service shall apply to all service received through a single connection or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

The city shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which such service is to be furnished is in default in the payment of any obligation to the city or has theretofore had his/her service disconnected because of a violation of the rules and regulations of the board.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given notice in writing at least ten (10) days prior to the date of such impending action and the reason therefor. The city representative shall not be responsible for giving notice to any residence where service has been discontinued within the previous four (4) years. Termination of utility service will not be made on any day preceding a day when the Dayton Municipal Building is scheduled to be closed.

In regard to the discontinuance of service the following exceptions will be made: (1) Proven hardship cases, i.e., death in immediate family, sickness, etc. (2) accounts in question as to the validity of amount of bill, (3) accounts that are extremely abnormal for reasons such as water leaks, bad weather, equipment malfunctions, providing substantial payments are being made on bill, (4) accounts that have been approved for payment by the governmental agencies or charitable organizations, (5) operation of a Life Support System, but an Electricity Limiting Device shall be installed and remain in place until all outstanding bills are paid.

The customer shall also be notified of his right to a hearing prior to disconnection if he disputes the reason therefor and requests the hearing by the date specified in the notice. When a hearing is requested, the customer may have a representative at the hearing and may testify and present witnesses on his behalf. Also, when a hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1988 Code, § 13-116)

**18-117. Reconnection charge.** Whenever service has been disconnected as provided for above, a reconnection charge of thirty dollars (\$30.00) for requests made before 4:00 o'clock P.M. EST shall be collected by the city before service is restored to any customer. Whenever service has been disconnected as provided for above, a reconnection charge of sixty dollars (\$60.00) for requests made after 4:00 o'clock P.M. EST shall be collected by the city before service is restored to any customer. The city may refuse to connect or may disconnect

service for the violation of any of its ordinances, rules and regulations. (1988 Code, § 13-117, as replaced by Ord. #622, Feb. 2020 *Ch7\_01-04-21*)

**18-118. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under the contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for service to be discontinued may be required; and the city may continue the service for a period of not to exceed ten (10) days after receipt of the written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after the ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than the occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1988 Code, § 13-118)

**18-119. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1988 Code, § 13-119)

**18-120. Inspections.** The city may inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had the inspection or rejection been made. (1988 Code, § 13-120)

**18-121. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for its, the cost of necessary repairs or replacements shall be paid by the customer. (1988 Code, § 13-121)

**18-122. Customer's responsibility for violations.** Where the city furnishes water service to a customer, the customer shall be responsible for all violations of these rules and regulations that occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose personal responsibility on him. (1988 Code, § 13-122)

**18-123. Supply and resale of water.** All water shall be supplied within the city exclusively by the city, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (1988 Code, § 13-123)

**18-124. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, fire plugs, and valves without permission or authority from the city. (1988 Code, § 13-124)

**18-125. Limited use of unmetered private fire lines.** Where a private fire line is not metered, no water shall be used from the line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking the service shall immediately give the city a written notice of the occurrence. (1988 Code, § 13-125)

**18-126. Damages to property due to water pressure.** The city will use reasonable diligence in supplying water but shall not be liable to any customer for the breach of contract in the event of or for loss, injury or damages to persons or property resulting from the interruption in service, delay in restoration, mechanical failure, external forces, acts of God, excessive or inadequate pressure, or otherwise unsatisfactory service, whether or not caused by negligence (caused to his plumbing or property by high pressure, low pressure, or fluctuation in pressure in the city's water mains). (1988 Code, § 13-126)

**18-127. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut it off.

(2) The city has attempted to cut off a service but it has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1988 Code, § 13-127)

**18-128. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water a customer may use. (1988 Code, § 13-128)

**18-129. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1988 Code, § 13-129)

**18-130. Required connection.** If a customer within the city is accessible to a water main, then the customer is required to connect to the line and comply with all rules and regulations of this chapter. The requirement of this section shall be applied prospectively from and after the effective date of the provisions of this chapter. (1988 Code, § 13-130)

**18-131. Payments to general fund.** The water department shall pay to the general fund each year an amount equal to a percentage of the equity or investment the general government of the City of Dayton has in the water

department.<sup>1</sup> The percentage shall be set by ordinance or resolutions. (1988 Code, § 13-131)

**18-132. Service charge for returned check and disconnection.** A service charge of twenty-five dollars (\$25.00) shall be charged for all returned checks. Service shall be terminated if the check is not paid within ten (10) days after appropriate notification to the customer that the check has returned at the address of the service. If service is terminated, the same reconnection fee shall apply as those of non-payment termination. (1988 Code, § 13-132, as replaced by Ord. #622, Feb. 2020 *Ch7\_01-04-21*)

**18-133. Dispute of bill.** In case of a disputed bill, the customer may request in writing a hearing within fifteen (15) days from date of receipt of bill before the city manager or any other officer duly appointed by the Dayton City Council. The hearing officer will hear all evidence and complaints and render a written decision. The hearing shall be scheduled as soon as possible but not later than thirty (30) days from the date of the written request. If the customer is dissatisfied with the decision of the hearing officer an appeal may be perfected within ten (10) days from the date of the rendering of the written decision with the appeal to be directed to the city council who shall hear the evidence and render a decision. The customer's service will not be terminated until an appropriate decision is reached as herein stated. (1988 Code, § 13-133)

**18-134. Fluoridation of water supply.** The water supply provided by the water department shall be fluoridated at the cost of the water department. (1988 Code, § 8-102)

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<sup>1</sup>State law reference

See Tennessee Code Annotated, § 7-34-115.

**CHAPTER 2****SEWERS<sup>1</sup>****SECTION**

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Installation of lateral lines, etc.
- 18-204. Schedule of rates.
- 18-205. Payments to general fund.
- 18-206. Persons using septic tanks; pumping charges; relinquishing septic tank pumping service.
- 18-207. Connection charges, gravity flow sewer line.
- 18-208. Miscellaneous sewer charges.
- 18-209. Sewer development fees.

**18-201. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when the rules and regulations have been approved by the board of commissioners. (1988 Code, § 13-201)

**18-202. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the building inspector. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1988 Code, § 13-202)

**18-203. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted, the city shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the board of commissioners and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1988 Code, § 13-203)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.



**18-204. Schedule of rates.** The following graduated charges shall be made for sewer service furnished by the city to its customers. Except as provided for below, payment for sewer service shall be based upon the amount of water purchased from the city by the customers. Payments shall be based on the nearest multiple of one thousand (1,000) gallons and shall be at the following rates:

INSIDE CITY LIMITS

OUTSIDE CITY LIMITS

RESIDENTIAL	Current Rate					Current Rate				
	6/30/2021	7/1/2021	7/1/2022	7/1/2023	7/1/2024	6/30/2021	7/1/2021	7/1/2022	7/1/2023	7/1/2024
MINIMUM CHARGE (First 1,000 Gallons)	19.25	20.00	20.80	21.60	22.45	28.86	30.00	31.20	32.45	33.75
Per 1,000 gallons of Metered Water	9.30	9.70	10.10	10.50	10.90	13.95	14.50	15.05	15.65	16.25
COMMERCIAL	Current Rate					Current Rate				
	6/30/2021	7/1/2021	7/1/2022	7/1/2023	7/1/2024	6/30/2021	7/1/2021	7/1/2022	7/1/2023	7/1/2024
MINIMUM CHARGE (First 1,000 gallons)	28.86	30.00	31.20	32.45	33.75	43.29	45.00	46.80	48.65	50.60
Per 1,000 gallons of Metered Water	9.30	9.70	10.10	10.50	10.90	13.95	14.50	15.05	15.65	16.25
INDUSTRIAL RATE 1	Current Rate					Current Rate				
	6/30/21	7/1/2021	7/1/2022	7/1/2023	7/1/2024	6/30/2021	7/1/2021	7/1/2022	7/1/2023	7/1/2024
MINIMUM CHARGE (First 1,000 Gallons)	38.49	40.00	41.60	43.25	44.95	57.73	60.00	62.40	64.90	67.50
Per 1,000 gallons of Metered Water	9.30	9.70	10.10	10.50	10.90	13.95	14.50	15.05	15.65	16.25

The rate listed above for customers residing outside the city limits is fifty percent (50%) higher than the rate for customers residing within the city limits.

Customers who have a course of water other than the city water system and who discharge wastewater into the city sewer system shall be billed at the above rates based on the actual measured flow into the sewer system. The measurement shall be by parshall flume or other measuring device approved in writing by the city manager which shall be installed and maintained by and at the expense of the customer in a continuously accessible place.

Customers who do not return to the sewer system all of the water that they obtain from the city water system may install and maintain, at their expense, a parshall flume or other measuring device approved in writing in advance by the city manager. After installation of the metering device, the customer shall be billed at the above rates based on the actual measured flow into the sewer system. Unless the customer installs and maintains the approved metering device, it will be presumed he is returning to the sewer all of the water he purchased.

INSIDE CITY LIMITS

INDUSTRIAL RATE 2	Current Rate				
	6/30/21	7/1/2021	7/1/2022	7/1/2023	7/1/2024
MINIMUM CHARGE (First 1,000 gallons)	57.74	60.00	62.40	64.90	67.50
Per 1,000 gallons of Metered Water	3.50	3/65	3/80	3.95	4.10

Industrial Rate 2 Guidelines/Requirements:

1. Must purchase a minimum of 100,000 gallons of water per day
2. Must have only discharge point to the city's sewer system
3. Must have an approved sampling/metering station on their discharge
4. Must be located within the corporate limits of the City of Dayton (1988 Code, § 13-204, as replaced by Ord. #490, June 2007, Ord. #560, June 2013, Ord. #582, June 2016, Ord. #596, June 2017, Ord. #611, June 2018 **Ch7\_01-04-21**, Ord. #618, July 2019 **Ch7\_01-04-21**, and Ord. #642, June 2021 **Ch8\_12-04-23**)

**18-205. Payments to general fund.** The sewer department shall pay to the general fund each year an amount equal to a percentage of the equity or investment the general government of the City of Dayton has in the sewer department.<sup>1</sup> The percentage shall be set by ordinance or resolution. (1988 Code, § 13-205)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 7-34-115.

**18-206. Persons using septic tanks; pumping charges; relinquishing septic tank pumping service.** Persons whose property is not available to a public sanitary sewer but who pay monthly sewer charges for the service of having their septic tanks pumped as needed may be relieved of sewer charges and not be eligible to have their septic tanks pumped under the following conditions:

(1) That any non-commercial resident shall be allowed to withdraw from the sewer charge when said non-commercial person is served by an approved septic tank system, if said person notifies the city in writing upon the form provided for by the city thirty (30) days prior to his/her billing cycle for that location.

(2) That if said non-commercial resident elects to withdraw from the sanitary sewer charge, he/she will not be able to be reinstated for a period of one (1) year from the date of withdrawal.

(3) That if said non-commercial resident has withdrawn from the sanitary sewer charge and wishes to be reinstated, then this reinstatement shall be for a period of one (1) year from the date of reinstatement.

(4) If the resident is not the owner of the location where the charge applies then his/her withdrawal or reinstatement shall follow said resident if he/she moves to a location within the city limits of Dayton, Tennessee.

(5) If the city installs a sanitary sewer in the future in an area that is not now served by the sanitary sewer system, property owners to whom the sewer is available shall connect to it and shall be subject to all sewer service charges.<sup>1</sup>

(6) Nothing in this section shall be construed to limit the prohibition upon the construction of private sewage disposal systems within the city limits unless and until a certificate of non-availability is obtained under § 18-321 of this municipal code of ordinances. (1988 Code, § 13-206)

**18-207. Connection charges, gravity flow sewer line.** Service lines will be laid by the city from the sewer main to the property line at the expense of the applicant for service. The location of these lines will be determined by the city. If for any reason the city cannot lay the sewer line and additional work by a contractor is required (i.e. highway bore, etc.), the applicant shall pay for the cost of the contractor.

(1) If a sewer tap is already present: (inside or outside city limits):

(a) Residential connection fee will be four hundred dollars (\$400.00) for gravity flow sewer line.

(b) Multi-unit residential connection fee will be four hundred dollars (\$400.00) plus one hundred fifty dollars (\$150.00) for each additional unit to be served by the tap for a gravity flow sewer line.

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<sup>1</sup>State law reference

Sewer connection requirements: Tennessee Code Annotated, § 7-35-201.

(2) If no sewer tap is present: (inside or outside city limits):

(a) Residential connection fee will be one thousand dollars (\$1,000.00) for up to a four inch (4") tap on gravity flow sewer line.

(b) Multi-unit residential connection fee will be one thousand dollars (\$1,000.00) plus one hundred fifty dollars (\$150.00) for each unit to be served by the same tap, for up to a four inch (4") tap on gravity flow sewer line. A six inch (6") tap will be one thousand two hundred fifty dollars (\$1,250.00) plus one hundred fifty (\$150.00) for each unit served by tap. An eight inch (8") tap will be one thousand five hundred dollars (\$1,500.00) plus one hundred fifty dollars (\$150.00) for each unit served by tap.

The City of Dayton shall not allow any service laterals to be smaller than four inch (4") pipe on any connections from the dwelling.

(3) Commercial and industrial taps for gravity flow sewer lines will be based on the size of the water meter as follows: (inside or outside city limits)

3/4" - \$1,200.00

1" - \$1,800.00

2" - \$2,400.00

For sewer taps for water meters larger than two inches (2"), the fees will be quoted by the Sewer Department Superintendent for the City of Dayton, Tennessee. (1988 Code § 13-207, as replaced by Ord. #534, Aug. 2010, Ord. #537, Oct. 2010, Ord. #587, Nov. 2016, and Ord. #671, August 2022 **Ch8\_12-04-23**)

**18-208. Miscellaneous sewer charges.** The following miscellaneous charges shall be established for customers of the city to be charged to waste haulers. The rates are as follows:

Fee schedule for waste haulers:

1 gallon to 2,500 gallons of hauled waste: \$60.00

2,501 gallons to 3,500 gallons of hauled waste: \$100.00

Over 3,500 gallons: \$.035/gallon

Application fee: \$100.00

Annual permit renewal fee: \$60.00

(as added by Ord. #643, Aug. 2021 **Ch8\_12-04-23**)

**18-209. Sewer development fees.** (1) In addition to other applicable charges contained in this chapter, there is established a sewer development fee, as set forth herein, to be paid by new sanitary sewer customers connecting to the sanitary sewer system as of November 1, 2022. Such fee shall reflect the following:

(a) The actual cost to provide service to such new customers connecting to the sanitary sewer system seeking an approved sewer connection for subdivisions, land developments, new buildings, and redevelopments of land or buildings served by the city sanitary sewer system or where the facility served requires modification of or enlargement of the existing sewers, whether within or outside the

corporate limits of the city and whether service is by existing or by new facilities to be constructed;

(b) A portion of the capital costs incurred by the city for the construction of wastewater treatment plant facilities and related assets, including prior upgrades and expansions; and

(c) A portion of the capital costs incurred by the city for the construction of the sewage collection and conveyance system including sewer mains, manholes, lift stations, associated appurtenances including prior upgrades and expansions. The sewer development fee shall be payable by the applicant, developer of the subdivision, or developer of industrial, commercial or residential site as set forth herein, upon the execution of the subdivision contract or the sewer extension contract, or at the time of application for the sewer connection or plumbing permit, as appropriately determined by the Sewer Department Superintendent for the City of Dayton.

(2) Sewer development fees shall be calculated based upon the size of the water meter used for the connection using a trended original cost method defined as the historical cost of the city's assets in present day dollar amounts. Written confirmation of the applicable water meter size from the City of Dayton Water Department must be provided by the applicant or developer prior to payment of the sewer development fee as such payment is required in accordance with § 18-208(1). The sewer development fee shall be assessed, as set forth in this section and the fee schedule adopted by the Sewer Department Superintendent for the City of Dayton:

Meter Size (in inches)	Sewer Development Fee
3/4"	\$2,225.00
1"	\$3,383.00

(3) The sewer development fee calculation may be reviewed and adjusted from time to time by the City Council for the City of Dayton as determined necessary due to significant changes to the customer makeup of the sanitary sewer system, and in the instance of an extensive capital improvement plan.

(4) No sewer development fee shall be assessed to a person authorized to install a private sewage disposal system pursuant to this title 18, but a sewer development fee may be charged to the developer or property owner when sanitary sewers are available or required pursuant to this chapter or when it is determined that sanitary sewers shall be extended to such development. The city may thereafter require the installation of the sewer and the payment of the sewer development fee. The developer or property owner by applying for and receiving a private sewage disposal permit shall agree to such fee when the sewer is available.

(5) The prior payment of a sewer development fee for any land or building currently served by the sanitary sewer system shall not restrict the

city's ability to assess a sewer development fee in accordance with § 18-208(1) for any proposed redevelopment of such land or building.

(6) A sewer development fee shall be assessed to any development, redevelopment, new building or building addition resulting in the installation of an additional water meter or enlarged water meter. No sewer development fee shall be assessed for water meters dedicated to fire protection or irrigation. (as added by Ord. #672, Sept. 2022 *Ch8\_12-04-23*)

## CHAPTER 3

### WATER AND SEWER EXTENSIONS OUTSIDE CITY

#### SECTION

- 18-301. Introduction.
- 18-302. Prospective buyer notification.
- 18-303. Engineering.
- 18-304. Inspection.
- 18-305. Easements.
- 18-306. Service lines.
- 18-307. Fire hydrants.
- 18-308. Project cost.
- 18-309. Reimbursement formula inside subdivisions.
- 18-310. Reimbursement outside subdivisions.
- 18-311. Reimbursement time limit.

**18-301. Introduction.** This chapter establishes a policy intended to provide a procedure whereby a developer or individual may extend water and sewer mains outside the city limits and over a period of time be reimbursed in part for these extensions. It is also intended that any prospective buyer shall be notified in advance of the sale that he must pay for a part of the utility extension cost. The developer shall in no instance receive more than 75 percent of his total investment, and all taps or extensions by subsequent developers will pay for the privilege of connecting or extending such utility as prescribed herein.

"Developer" and "individual" are the same for purposes of this chapter.

This chapter applies to both water and sewer extensions. The reimbursement formula shall apply to eight (8) inch sewers and larger and 6 inch water mains and larger.

All plans and plats shall be submitted to the planning commission and must comply with all of their rules and regulations as they apply to plan and plan approval.

All connections to the city water system that are extended on public property or in a dedicated easement shall meet all of the requirements of the city. All other lines will be considered as private lines for individual use and from which the resale of water will not be permitted. (1988 Code, § 13-301)

**18-302. Prospective buyer notification.** The developer shall furnish a notice in writing in advance of the sale of any lot or house to the prospective buyer, stating that the prospective buyer after the purchase must pay the tap and meter setting fee normally charged by the city and in addition, a predetermined percentage of the cost of the water main fronting on the property purchased. Failure of the developer to obtain and make available to the city a copy of this notice signed by both the prospective buyer and the developer forfeits his claim for any reimbursement of the water main construction refund for that property. (1988 Code, § 13-302)

**18-303. Engineering.** All water and sewer main extensions shall be designed by a registered professional engineer and plans shall meet approval of the Tennessee Department of Health and Environment. Such plans shall be submitted to the planning commission for approval in conjunction with the subdivision plat. Final plans shall be engineering design drawings on standard plan-profile sheet to a scale of not less than 1" - 100' in plan and 1" - 10' on profile. Contract documents and specifications shall be furnished in a form suitable for execution by the city. (1988 Code, § 13-303)

**18-304. Inspection.** The engineer shall furnish a qualified construction inspector for all main constructions. All water mains shall be pressure tested to their design capacity and all sewer mains shall be air tested. All house sewers shall be air tested or tested by ex-filtration. Sewers that are tested before backfilling must be hand-backfilled with select material 6-inches above the top of the pipe. (1988 Code, § 13-304)

**18-305. Easements.** All water mains shall be constructed within a public right of way or in an easement that has been dedicated to the city. Easements shall be a minimum of 10 feet wide. Easements within a subdivision shall be shown and identified on the dedication plat. All other easements shall be shown on the contract drawings and with a legal description which shall be recorded by the developer at the time the plat is recorded. (1988 Code, § 13-305)

**18-306. Service lines.** The city will furnish, set, and maintain all residential meters for a fixed fee as prescribed by the city. Within the subdivisions the developer shall make the tap and extend a 1 inch type "K" copper to a common property. The service line shall be protected and the location shown on the "as built" drawings. (1988 Code, § 13-306)

**18-307. Fire hydrants.** At the discretion of the city, the developer shall be required to install fire hydrants and a 6-inch gate valve at such location to satisfy the current fire demand rate of the city. Generally, fire hydrants will be required when it is determined that the area to be developed will be annexed by the city within a reasonable period of time. When the city determines that fire hydrants are not required then the developer shall install at locations specified by the city a 6-inch Tee and a 6-inch gate valve for a future hydrant installation.

When hydrants are required, the developer may add this cost to the unit cost of a 6-inch main as described in the section under reimbursements and prorate that cost equally to the prospective buyers within the subdivision or along the transmission main. (1988 Code, § 13-307)



**18-308. Project cost.** The developer shall place on deposit with the city the estimated project cost as part of the application for a construction permit. The money shall be placed in a construction account from which payments shall be made to the contractor. The city shall make partial payments to the contractor based on estimates furnished and approved by the engineer. Final payment shall be made within 30 days after the following requirements have been met:

- (1) All construction work is completed.
- (2) All cleanup and all surface repairs are completed.
- (3) One set of reproducible "as built" drawings of the project has been certified by the engineer.
- (4) A letter is received from the engineer stating that the project is completed and meets all of the requirements of the plans and specifications including all required tests and is recommended for acceptance by the city.

The balance of any money remaining on deposit after final payment shall be returned to the owner within 10 days after the above requirements for final payment to the contractor have been met.

Subject to the completion of all requirements of the city, the water system improvement shall become the property of the city.

The date of acceptance as recommended by the engineer shall establish the beginning time for the reimbursement schedule. (1988 Code, § 13-308)

**18-309. Reimbursement formula inside subdivisions.** Inside subdivisions, the developer shall in no instance receive more than 75 percent of the total project cost. The developer may recover from each lot sold the prorated share of project cost to each lot. (Example--Gross cost to developer \$10,000. Development has 100 lots. Each lot would pay \$100.00). (1988 Code, § 13-309)

**18-310. Reimbursement outside subdivisions.** That part of the main from the existing city main to the boundary of the subdivision (transmission main) shall be subject to reimbursement as abutting property owners make connections. The reimbursement shall in no instance be more than 75 percent of the total project cost. The abutting property owners shall pay one-half the unit cost of the main for a distance which shall be established as the average width of a lot within the subdivision to be served by the main. The maximum footage for which an abutting property owner can be assessed is 200 feet.

Each additional connection shall be assessed in the same manner. Multi-family units shall pay a like amount for each living unit.

A connection other than a service connection shall meet all of the requirements of the city and the original developer shall be reimbursed by the following method:

At the point of connection, the second developer shall pay the first developer one-half the original contract cost of the unit price per foot of transmission main from the point of connection to the original city main. The second developer does not pay for any part of the main beyond the point of connection for his development.

After the developer has been reimbursed the full amount allowed for a transmission main because of full development along the transmission main and or main connections by other developers, then additional connection or extensions fees shall be paid to the city. (1988 Code, § 13-310)

**18-311. Reimbursement time limit.** The period of time for which a developer may be reimbursed for any subdivision will be a maximum of ten (10) years. The subdivision may be developed in sections and each section as it is developed will establish its own timetable but the maximum allowable time shall be ten (10) years. (1988 Code, § 13-311)

**CHAPTER 4****SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>****SECTION**

- 18-401. Purpose and policy.
- 18-402. Administration.
- 18-403. Abbreviations.
- 18-404. Definitions.
- 18-405. Prohibited discharge standards.
- 18-406. National categorical pretreatment standards.
- 18-407. State pretreatment standards.
- 18-408. Local limits.
- 18-409. City's right of revision.
- 18-410. Dilution.
- 18-411. Pretreatment facilities.
- 18-412. Wastewater pretreatment devices for commercial or industrial users.
- 18-413. Accidental discharge/slug discharge control plans.
- 18-414. Hauled wastewater.
- 18-415. Private sewage disposal and holding tank disposal.
- 18-416. Building sewers and connections.
- 18-417. Wastewater analysis.
- 18-418. Individual wastewater discharge permit requirement.
- 18-419. Individual wastewater discharge permitting: existing connections.
- 18-420. Individual wastewater discharge permitting: new connections.
- 18-421. Individual wastewater discharge permit application contents.
- 18-422. Application signatories and certifications.
- 18-423. Individual wastewater discharge permit decisions.
- 18-424. Individual wastewater discharge permit duration.
- 18-425. Individual wastewater discharge permit contents.
- 18-426. Permit modifications.
- 18-427. Individual wastewater discharge permit transfer.
- 18-428. Individual wastewater discharge permit revocation.
- 18-429. Individual wastewater discharge permit reissuance.
- 18-430. Regulations of waste received from other jurisdictions.
- 18-431. Baseline monitoring reports.
- 18-432. Compliance schedule progress reports.
- 18-433. Reports on compliance with categorical pretreatment standard  
deadline.

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<sup>1</sup>Appendix A (Enforcement Response Plan Guide Table), to Ord. #568 which creates this chapter, is of record in the recorders office.

- 18-434. Periodic compliance reports.
- 18-435. Reports of changed conditions.
- 18-436. Reports of potential problems.
- 18-437. Reports from unpermitted users.
- 18-438. Notice of violation/repeat sampling and reporting.
- 18-439. Notification of the discharge of hazardous waste.
- 18-440. Analytical requirements.
- 18-441. Sample collection.
- 18-442. Date of receipt of reports.
- 18-443. Recordkeeping.
- 18-444. Certification statements.
- 18-445. Compliance monitoring.
- 18-446. Confidential information.
- 18-447. Publication of users in significant noncompliance.
- 18-448. Enforcement response plan.
- 18-449. Enforcement response guide table.
- 18-450. Administrative civil penalties.
- 18-451. Remedies nonexclusive.
- 18-452. Pretreatment charges and fees.
- 18-453. Severability.
- 18-454. Conflict.

**18-401. Purpose and policy.** This chapter sets forth uniform requirements for users of the publicly owned treatment works for the City of Dayton and enables the City of Dayton to comply with all applicable state and federal laws, including the state pretreatment requirements (Tennessee Rule 0400-40-14), the Clean Water Act (33 United States Code [U.S.C.] § 1251 *et seq.*) and the general pretreatment regulations (title 40 of the Code of Federal Regulations [CFR] part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or the atmosphere or otherwise be incompatible with the publicly owned treatment works;

(3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(6) To enable the City of Dayton to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This chapter shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Dayton and to the persons outside the city who are, by contract or agreement with the city, users of the City of Dayton's POTW. (1988 Code, § 13-601, as replaced by Ord. #568, June 2014)

**18-402. Administration.** Except as otherwise provided herein, the superintendent of the sewer department for the City of Dayton shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the superintendent may be delegated by the superintendent to a duly authorized city employee. (1988 Code, § 13-602, as replaced by Ord. #568, June 2014)

**18-403. Abbreviations.** The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD - Biochemical Oxygen Demand

BMP - Best Management Practice

BMR - Baseline Monitoring Report

CFR - Code of Federal Regulations

CIU - Categorical Industrial User

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

gpd - gallons per day

IU - Industrial User

l - Liter

mg- milligrams

mg/l - milligrams per liter

NPDES - National Pollutant Discharge Elimination System

NSCIU - Non-Significant Categorical Industrial User {optional}

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIC - Standard Industrial Classification

SIU - Significant Industrial User  
 SNC - Significant Noncompliance  
 SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.  
 TSS - Total Suspended Solids  
 U.S.C. - United States Code (1988 Code, § 13-603, as replaced by Ord. #568, June 2014)

**18-404. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

(2) "Administrator." An authorized representative empowered to manage, implement and enforce business or public affairs.

(3) "Approval authority." The Tennessee Division of Water Resources Director or his/her representative(s).

(4) "Authorized or duly authorized representative of the user." (a) If the user is a corporation:

(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; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the 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 government facility, or their designee.

(d) The individuals described in paragraphs (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.

(5) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20° C), usually expressed as a concentration (e.g., mg/l).

(6) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-405(1) and (2) [Tennessee Rule 0400-40-14-.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.

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(8) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR chapter 1, subchapter N, parts 405-471.

(9) "Category 1 user." A commercial or industrial discharger of wastewater into the City of Dayton wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the City of Dayton, to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, glass, entrails, or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP. Such user shall maintain records of:

- (a) The maintenance of their pretreatment system, and
- (b) The disposal of material removed from the wastewater stream.

(10) "Category II user." A commercial or industrial discharger of wastewater into the City of Dayton wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the City of Dayton, to install and maintain a basket-type or bar-type separator/interceptor for the removal of strings, buttons, rags, glass, or other solids likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP.

- (11) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.
- (12) "City." The City of Dayton, Tennessee.
- (13) "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (14) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants the publicly-owned treatment works is designed to treat and, in fact, does remove or reduce such pollutants to the degree required by the POTW's NPDES permit.
- (15) "Control authority." The City of Dayton.
- (16) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (17) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
- (18) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (19) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (20) "Environmental protection agency or EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.
- (21) "Existing source." Any source of discharge that is not a "new source."
- (22) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (23) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (24) "Incompatible pollutant." All pollutants other than compatible pollutants as defined in § 18-404(14) of this chapter.
- (25) "Indirect discharge or discharge." The introduction of pollutants into the POTW from any nondomestic source (including holding tank waste discharged into the system).
- (26) "Industrial user." A commercial or industrial discharger of wastewater into the City of Dayton wastewater collection system that is required by the sewer use ordinance or other ordinance or regulations of the



City of Dayton, the Tennessee Department of Environment and Conservation, or the U.S. Environmental Protection Agency to be issued an industrial user permit regulating their discharge to the WWTP. Such users may be customers of the City of Dayton or any other utility discharging into the WWTP. Such users may or may not be required to install sewage pretreatment facilities but are subject to periodic monitoring and/or inspection. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Act (33 U.S.C. 1342).

(27) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(28) "Interference." 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 the collection system.

(29) "Local limit." Specific discharge limits developed and enforced by the City of Dayton upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

(30) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(31) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(32) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(33) "National categorical pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

(34) "New source."

(a) 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 § 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) 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.

(b) 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 paragraphs (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) 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

(ii) 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.

(35) "National Pollutant Discharge Elimination System or NPDES permit." A permit issued to a POTW pursuant to § 402 of the Act (33 U.S.C. 1342).

(36) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(37) "Pass through." A discharge which exits the POTW 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 the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(38) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this state or any state or country.

(39) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(40) "Pollution." The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(41) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(42) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(43) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(44) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(45) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-405 of this chapter.

(46) "Publicly-Owned Treatment Works (POTW)." A treatment works as defined by § 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purpose of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of

Dayton who are, by contract or agreement with the City of Dayton, users of the city's POTW.

(47) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(48) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(49) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(50) "Shall" is mandatory; "may" is permissive.

(51) "Significant Industrial User (SIU)." A significant industrial user is:

(a) An industrial user subject to categorical pretreatment standards; or

(b) An industrial user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(52) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-405 of this chapter. 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 the POTW's regulations, local limits or permit conditions.

(53) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum,

(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 discharge prohibition under this chapter, or 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(d) 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(54) "State." State of Tennessee.

(55) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(56) "Stormwater." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(57) "Superintendent." The person designated by the city to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(58) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(59) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several wastewater portions during a twenty-four (24) hour period in which the portions are proportional to the flow and combine to form a representative sample.

(61) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(62) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

(63) "Wastewater contribution permit." As set forth in § 18-418 et seq. of this chapter.

(64) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(65) "Waters of the state." All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1988 Code, § 13-604, as replaced by Ord. #568, June 2014)

**18-405. Prohibited discharge standards.** (1) General prohibitions.

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings of an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, waste streams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21, and any other substances which the city, the state, or EPA has notified the user is a fire hazard to the system.

(b) Wastewater having a pH less than five (5) or higher than twelve (12), or otherwise causing corrosive structural damage to the POTW or equipment;

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or disposable wipes;

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(e) Wastewater having a temperature greater than one hundred forty degrees Fahrenheit (140° F) (sixty degrees Celsius (60° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C));

(f) Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(h) Trucked or hauled pollutants, except at discharge points designated by the superintendent in accordance with § 18-414 of this chapter;

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City of Dayton in compliance with applicable state or federal regulations.

(l) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the Tennessee Department of Environment and Conservation to a storm sewer or natural outlet.

(m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(n) Medical wastes, except as specifically authorized by the superintendent in an individual wastewater discharge permit;

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(p) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

(q) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant;

(r) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(s) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(t) Any discharges from a user that will cause a pass-through of pollutants from the user through the POTW to the receiving stream.

(u) Any wastewater which causes a hazard to human life or creates a public nuisance.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (1988 Code, § 13-605, as replaced by Ord. #568, June 2014)

**18-406. National categorical pretreatment standards.** Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405 - 471. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5). (1988 Code, § 13-606, as replaced by Ord. #568, June 2014)

**18-407. State pretreatment standards.** Users must comply with the State of Tennessee Pretreatment Requirements (Tennessee Rule 0400-40-14). State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (1988 Code, § 13-607, as replaced by Ord. #568, June 2014)

**18-408. Local limits.** (1) The superintendent is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3).



(2) The following pollutant limits are established to protect against pass through and interference. No person or user shall discharge wastewater containing in excess of the following standards. Dilution of any wastewater discharge for the purpose of meeting these standards shall be considered in violation of this chapter.

<u>Pollutant</u>	<u>Daily Average Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l) Grab Sample</u>
Cadmium	0.211	0.422
Chromium, Total	1.789	3.578
Chromium, III	Report Only	Report Only
Chromium, VI	Report Only	Report Only
Copper	1.632	3.264
Lead	0.696	1.392
Nickel	1.789	3.578
Mercury	0.012	0.024
Silver	0.182	0.364
Zinc	0.724	1.448
Phenols, Total	3.040	6.080
Benzene	0.092	0.184
Cyanide	0.712	1.424
Toluene	1.551	3.102
1, 1, 1, Trichloroethane	1.817	3.634
Ethylbenzene	0.288	0.576
Carbon Tetrachloride	10.313	20.626
Chloroform	1.536	3.072
Tetrachloroethylene	1.008	2.016
Trichloroethylene	0.725	1.450

<u>Pollutant</u>	<u>Daily Average Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l) Grab Sample</u>
1, 2 trans Dichloroethylene	0.051	0.102
Methylene Chloride	0.699	1.398
Naphthalene	0.059	0.118
Phthalates, Total*	0.401	0.802

\*Total Phthalates are the sum of  
 Bis (2-ethylhexy) phthalate  
 Butyl benzylphthalate  
 Di-n-butylphthalate  
 Diethyl phthalate

No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the maximum concentration limits as follows:

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)</u>
Cadmium	0.033
Chromium, Total	0.250
Copper	0.260
Lead	0.100
Mercury	0.002
Nickel	0.250
Silver	0.029
Zinc	0.290
Phenols, Total	0.455
Benzene	0.013
Cyanide	0.100

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)</u>
Toluene	0.214
1, 1, 1, Trichloroethane	0.250
Ethyl Benzene	0.040
Carbon Tetrachloride	1.500
Chloroform	0.224
Tetrachloroethylene	0.139
Trichloroethylene	0.100
1, 2 trans Dichloroethylene	0.008
Methylene Chloride	0.096
Naphthalene	0.013
Phthalates, Total*	0.170

\*Total Phthalates are the sum of  
 Bis (2-ethylhexy) phthalate  
 Butyl benzylphthalate  
 Di-n-butylphthalate  
 Diethyl phthalate

The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-405. (1988 Code, § 13-608, as replaced by Ord. #568, June 2014)

**18-409. City's right of revision.** The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter. (1988 Code, § 13-609, as replaced by Ord. #568, June 2014)

**18-410. Dilution.** No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other

cases when the imposition of mass limitations is appropriate. (1988 Code, § 13-610, as replaced by Ord. #568, June 2014)

**18-411. Pretreatment facilities.** Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, Local Limits, and the prohibitions set out in § 18-405 of this chapter within the time limitations specified by EPA, the state, or the superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the superintendent for review, and shall be acceptable to the superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter. (as added by Ord. #568, June 2014)

**18-412. Wastewater pretreatment devices for commercial or industrial users.** (1) Requirements for devices. Grease, oil, sand trap collectors or separators shall be installed and maintained when they are necessary for the proper handling of harmful substances. Such separators shall be of a type and capacity approved by the City of Dayton and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

Commercial sources in operation prior to July 1, 1996 are excluded from the minimum requirements of this chapter, but will be required to install and maintain a gravity-type separator, interceptor, or other such device on the kitchen sink for the removal of oil and grease. These devices shall be the largest type available that will fit under the sink and shall not be connected to any dishwashers. These devices will be allowed to remain in service until such time the City of Dayton determines the device is not preventing regulated substances from entering the city's sewer system or the device is not being adequately maintained. Upon this determination, the city will require the establishment to install the minimum size device as outlined under § 18-412(3) of this chapter.

It shall be the duty of every establishment required to have such devices, to maintain the device and to have same pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, or when it appears to the city or its representative that said grease, oil, or other substances are leaving the aforementioned device and are being introduced into the city's sewer system.

New commercial or industrial dischargers of wastewater into the City of Dayton's wastewater collection system are required by this chapter to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, entrails, or other such material likely to create

or contribute to a blockage of the wastewater sewer system or the Wastewater Treatment Plant (WWTP) unless such establishments are specifically excluded from this requirement.

New or existing commercial establishments which are generally not required to install pretreatment devices include, but are not limited to:

- (a) Commercial establishments which are not involved in food processing, preparation, packaging, or handling; or
- (b) Commercial establishments with food preparation, but no deep fryer, or grill.

Although these establishments are initially excluded from the pretreatment device requirement, if it is determined that these business are causing sewer line stoppages due to grease or other problems, then pretreatment devices will be required.

If a new or existing commercial establishment plans to add a deep fryer or a grill, that establishment must notify the city prior to installation and submit plans as specified in § 18-412(3).

Every establishment with a separation device is required to maintain a maintenance log on all devices. The log will show the date of all cleanings and who performed the cleaning. Disposition of removed substances is to be recorded. The maintenance log will be provided by the city and shall be available for examination by the city or its representative at any time and shall be submitted annually to the city between May 1 - 31 each year. Failure to carry out this reporting procedure is a violation of this chapter and the city may institute enforcement action under § 18-448 et seq. of this chapter.

(2) Inspection. Each commercial or industrial user required to own and maintain such pretreatment devices will be inspected at least once each year. Maintenance records shall be kept and shall be available for review by the city's personnel during inspection.

City of Dayton personnel shall be permitted ready access to inspect devices for compliance. If found in violation, the user will be issued a seven (7) day notice to come into compliance. Failure to correct the noncompliance within seven (7) day period will result in the termination of water service under § 18-448 et seq. of this chapter. If the severing of water service will possibly result in a threat to public health, then the grease trap will be pumped by City of Dayton personnel. The user will be responsible for all labor, equipment, and disposal charges incurred by the city. These charges will be added to user's utility bill.

(3) Submittals and design. Prior to installation of new gravity-type separators, grease traps, screens, or other pretreatment devices, plans and design calculations shall be submitted to City of Dayton personnel for review and approval. No specifications for pretreatment devices are detailed in these regulations except for grease traps and grit separators. Grease trap specifications are outlined on drawing number GR1 at the end of this section

and within this section. Grit separator specifications for car wash operations are outlined on drawing number GR-2 at the end of this section and within this section. City of Dayton personnel will evaluate separately the materials and criteria proposed for use in the design of other pretreatment devices.

All grease traps are to meet design criteria as outlined in this section. Person(s) wishing to install pre-cast concrete septic tanks or concrete tanks must submit to the city a design drawing. A field inspection shall be required to ensure that the installation complies with the approved drawings and that adequate baffling has been installed in the device. During the site plan review conducted by the City of Dayton personnel of proposed commercial and industrial developments, the need for a grease trap or other pretreatment devices will be determined. If a grease trap or other pretreatment device is required, then detailed plumbing plans shall be submitted to the city prior to commencement of construction.

Grease trap sizes will be determined by the following formula:

$$\text{Grease trap size (gallons)} = \text{F.U.} \times 0.5 \times 5 \text{ gpm} \times 20 \text{ minutes}$$

Where F.U. = fixture units plumbed into the grease trap  
(fixture unit values as listed in the Southern Building Code)

gpm = gallons/minute

(4) Private waste disposal. Acceptable disposal options for the wastes removed from these devices includes recycling collectors, trash disposal, or commercial collectors. These options are contingent on the regulations of landfills where the waste is disposed.

(5) Fees. Users required to install and maintain a gravity-type separator, interceptor, or other such device will be subject to an annual fee. These fees are outlined in § 18-452, as passed and amended from time to time by the council of the City of Dayton. All fees will appear on the user's utility bill. In the event the user chooses not to pay said fees, water service will be terminated until such time fees and any other late charges have been paid.

Any person(s) including, but not limited to, commercial users who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine as outlined in § 18-448 et seq. of this chapter. (as added by Ord. #568, June 2014)

**18-413. Accidental discharge/slug discharge control plans**. Each industrial user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities

and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within one hundred eighty (180) days from the effective date of this chapter. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until slug discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of this incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(1) Written notice. Within five (5) days following a slug discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the 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 chapter or other applicable law.

(2) 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 slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedure. (as added by Ord. #568, June 2014)

**18-414. Hauled wastewater.** (1) Septic tank waste may be introduced into the POTW only at locations designated by the superintendent, and at such times as are established by the superintendent. Such waste shall not violate the requirements of this chapter or any other requirements established by the city. The superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

(2) The superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(3) Industrial waste haulers may discharge loads only at locations designated by the superintendent. No load may be discharged without prior consent of the superintendent. The superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The superintendent

may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (as added by Ord. #568, June 2014)

**18-415. Private sewage disposal and holding tank disposal.**

(1) Private sewage disposal. Where any residence, office, recreational facility or other establishments used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility, or other establishment used for human occupancy, where the building drain is below the elevation to obtain a one percent (1%) grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private sewage pumping station as provided in § 18-416.

(a) Non-availability certificate. A private sewage disposal system may not be constructed within the city limits unless and until a certificate is obtained from the superintendent stating that the POTW is not accessible to the property and no such POTW is proposed for construction in the immediate future. If the property is within reasonable distance of the POTW, connection to the POTW is required. The superintendent shall determine the reasonable distance to the POTW but in no case shall the reasonable distance be less than five hundred feet (500') for gravity flow or less than three hundred feet (300') for a private sewage force main. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the City of Dayton and the Rhea County Health Department.

(b) Requirements. Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Rhea County Health Department and the City of Dayton, Tennessee, and must be inspected and approved by the authorized representative of the Rhea County Health Department and by the superintendent. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the POTW becomes available, the building sewer shall be connected to such POTW within sixty (60) days of the date of availability, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.



No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Rhea County Health Department.

(2) Regulation of holding tank waste disposal. (a) Septic tanks. No person owning vacuum or "septic tank" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent. All applicants for a truck discharge operation permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the superintendent. Such permits shall be valid for a period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the superintendent for violation of any provision of this section or reasonable regulations established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(b) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. 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 the 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 thereof, and shall comply with the conditions of the permit issued by the superintendent and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, 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.

(c) Fees. For each permit issued under the provisions of this chapter, an annual service charge shall be paid to the city to be set as specified in § 18-452. Any such permit granted shall be for one (1) full fiscal year or 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. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified in § 18-452.

(d) Designated disposal location(s). The superintendent shall designate approved location(s) 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, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(e) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of 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 service area of the City of Dayton. (as added by Ord. #568, June 2014)

**18-416. Building sewers and connections.** (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any POTW or appurtenances thereof without first obtaining a written building sewer permit from the superintendent.

Any residential and commercial user discharging only domestic wastes shall make application for a building sewer permit furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(2) Connections. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the POTW shall be made only by the City of Dayton or its duly authorized agent. The sewer connection and all building sewers, from the building to the POTW, shall be inspected by the superintendent before the underground portion is covered.

A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as on building sewer.

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter. All others shall be sealed to the specifications of the superintendent.

Building sewers shall be at least four inches (4") in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four inch (4") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. Slope and alignment of all buildings sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformation with the appropriate ASTM specification of the WEF Manual of Practice, Number 9.

Building sewers shall be constructed only of

- (a) Concrete or clay sewer pipe using rubber compression joints of approved type;
- (b) Cast-iron soil pipe using rubber compression joints of approved type;
- (c) Polyvinyl-chloride pipe with rubber compression joints;
- (d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (e) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

Each connection to the POTW must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of any type approved by the superintendent attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW is at a grade of one percent (1%) or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the POTW, adequate precautions by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the POTW, wastes carried by such building drain shall be lifted by an approved means and discharged to the building at the expense of the owner.

No person shall make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW.

The connection of the building sewer into the POTW shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice, Number 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the POTW. The connection shall be made under the supervisor of the superintendent or his representative.

All excavations for building sewer installation shall be adequately guarded with barricades and light so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance shall include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (as added by Ord. #568, June 2014)

**18-417. Wastewater analysis.** When requested by the superintendent, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. (as added by Ord. #568, June 2014)

**18-418. Individual wastewater discharge permit requirement.**

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the superintendent, except that a significant industrial user that has filed a timely application pursuant to § 18-419 of this chapter may continue to discharge for the time period specified therein.

(2) The superintendent may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in § 18-447 et seq. of this chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (as added by Ord. #568, June 2014)

**18-419. Individual wastewater discharge permitting: existing connections.** Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within one hundred eighty (180) days after said date, apply to the superintendent for an individual wastewater discharge permit in accordance

with § 18-421 of this chapter, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit issued by the superintendent. (as added by Ord. #568, June 2014)

**18-420. Individual wastewater discharge permitting: new connections.** Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 18-421 of this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. (as added by Ord. #568, June 2014)

**18-421. Individual wastewater discharge permit application contents.** All users required to obtain an individual wastewater discharge permit must submit a permit application. The superintendent may require users to submit all or some of the following information as part of a permit application:

- (1) **Identifying information.** (a) The name and address of the facility, including the name of the operator and owner.
  - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) **Environmental permits.** A list of any environmental control permits held by or for the facility.
- (3) **Description of operations.** (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Type and amount of raw materials processed (average and maximum per day);
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;

(6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 18-406 (Tennessee Rule 0400-40-14-.06(5)).

(7) Measurement of pollutants. (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

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

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

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-440 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(e) Sampling must be performed in accordance with procedures set out in § 18-441 of this chapter.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-434(2) [2300-4-14-.12(5)(b)].

(9) Any other information as may be deemed necessary by the superintendent to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (as added by Ord. #568, June 2014)

**18-422. Application signatories and certifications.** (1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 18-444(1).

(2) If the designation of an authorized representative 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 written authorization satisfying the requirements of this section must be submitted to the superintendent prior to or together with any reports to be sign by an authorized representative. (as added by Ord. #568, June 2014)

**18-423. Individual wastewater discharge permit decisions.** The superintendent will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the superintendent will determine whether to issue an individual wastewater discharge permit. The superintendent may deny any application for an individual wastewater discharge permit. (as added by Ord. #568, June 2014)

**18-424. Individual wastewater discharge permit duration.** An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the superintendent. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. (as added by Ord. #568, June 2014)

**18-425. Individual wastewater discharge permit contents.** An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the superintendent 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.

- (1) Individual wastewater discharge permits must contain:
  - (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
  - (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 18-427 of this chapter, 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;
  - (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) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-434(2).
  - (f) 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.

(g) Requirements to control slug discharge, if determined by the superintendent to be necessary.

(h) Any grant of the monitoring waiver by the superintendent (§ 18-434(2)) must be included as a condition in the user's permit [or other control mechanism].

(2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(h) Other conditions as deemed appropriate by the superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (as added by Ord. #568, June 2014)

**18-426. Permit modification.** (1) The superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;



(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, the POTW's beneficial sludge use, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-427. (as added by Ord. #568, June 2014)

**18-427. Individual wastewater discharge permit transfer.**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the superintendent and the superintendent approves the individual wastewater discharge permit transfer. The notice to the superintendent must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer. (as added by Ord. #568, June 2014)

**18-428. Individual wastewater discharge permit revocation.** The superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the superintendent of changed conditions pursuant to § 18-435 of this chapter;

- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the superintendent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user. (as added by Ord. #568, June 2014)

**18-429. Individual wastewater discharge permit reissuance.** A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 18-421 of this chapter, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing individual wastewater discharge permit. (as added by Ord. #568, June 2014)

**18-430. Regulation of waste received from other jurisdictions.**

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the superintendent shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by paragraph (1), above, the superintendent shall request the following information from the contributing municipality:

- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (b) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (c) Such other information as the superintendent may deem necessary.

(3) An intermunicipal agreement, as required by paragraph (1), above, shall contain the following conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-408 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance, this chapter or local limits;

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the superintendent; and which of these activities will be conducted jointly by the contributing municipality and the superintendent;

(d) A requirement for the contributing municipality to provide the superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the superintendent; and

(h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (as added by Ord. #568, June 2014)

**18-431. Baseline monitoring reports.** (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the superintendent a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in paragraph (2), below. A new source shall report the method of

pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) All information required in § 18-421(1)(a), § 18-421(2), § 18-421(3)(a), and § 18-421(6).

(b) Measurement of pollutants.

(i) The user shall provide the information required in § 18-421(7)(a) through (d).

(ii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(iv) Sampling and analysis shall be performed in accordance with § 18-440;

(v) The superintendent 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;

(vi) 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 the POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-404(4) and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall

not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-432 of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-444(1) of this chapter and signed by an authorized representative as defined in § 18-404(4). (as added by Ord. #568, June 2014)

**18-432. Compliance schedule progress reports.** The following conditions shall apply to the compliance schedule required by § 18-444(1) of this chapter:

(1) The schedule shall contain progress increments 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 events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the superintendent. (as added by Ord. #568, June 2014)

**18-433. Reports on compliance with categorical pretreatment standard deadline.** Within ninety (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 the POTW, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-421(6) and (7) and § 18-431(2)(b) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-406, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

All compliance reports must be signed and certified in accordance with § 18-444(1) of this chapter. All sampling will be done in conformance with § 18-441. (as added by Ord. #568, June 2014)

**18-434. Periodic compliance reports.** (1) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (September and March) 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 superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(2) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 18-421(8).

(c) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with § 18-404(4), and include the certification statement in § 18-444(1) (Tennessee Rule 0400-40- 14-.06(1)(b)2).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the superintendent must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its

request for the waiver must be maintained by the superintendent for three (3) years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the superintendent, the industrial user must certify on each report with the statement in § 18-444(2) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of § 18-434(1), or other more frequent monitoring requirements imposed by the superintendent, and notify the superintendent.

(i) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(3) All periodic compliance reports must be signed and certified in accordance with § 18-444(1) of this chapter.

(4) 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.

(5) 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 superintendent, using the procedures prescribed in § 18-441 of this chapter, the results of this monitoring shall be included in the report. (as added by Ord. #568, June 2014)

**18-435. Reports of changed conditions.** Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(1) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-421 of this chapter.

(2) The superintendent may issue an individual wastewater discharge permit under § 18-429 of this chapter or modify an existing wastewater discharge permit under § 18-426 of this chapter in response to changed conditions or anticipated changed conditions. (as added by Ord. #568, June 2014)

**18-436. Reports of potential problems.** (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (as added by Ord. #568, June 2014)

**18-437. Reports from unpermitted users.** All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require. (as added by Ord. #568, June 2014)

**18-438. Notice of violation/repeat sampling and reporting.** If sampling performed by a user indicates a violation, the user must notify the superintendent 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 superintendent 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 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. (as added by Ord. #568, June 2014)

**18-439. Notification of the discharge of hazardous waste.** (1) Any user who commences the discharge of hazardous waste shall notify the POTW,



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 include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-435 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-431, 18-433, and 18-434 of this chapter.

(2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the 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.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued

thereunder, or any applicable federal or state law. (as added by Ord. #568, June 2014)

**18-440. Analytical requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be conducted using the protocols specified in 40 CFR part 136 and amendments thereto and appropriate EPA guidance, 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 approved by EPA. (as added by Ord. #568, June 2014)

**18-441. Sample collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in paragraphs (2) and (3) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. 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 twenty-four (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.

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

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-431 and § 18-433 (Tennessee Rule 0400-40-14-.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 superintendent

may authorize a lower minimum. For the reports required by § 18-434 (Tennessee Rule 0400-4-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements. (as added by Ord. 568, June 2014)

**18-442. Date of receipt of reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (as added by Ord. #568, June 2014)

**18-443. Recordkeeping.** Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, 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 established under § 18-408. 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. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the superintendent. (as added by Ord. #568, June 2014)

**18-444. Certification statements.** (1) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-422; users submitting baseline monitoring reports under § 18-431(2)(e); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-433; users submitting periodic compliance reports required by § 18-434, and users submitting an initial request to forego sampling of a pollutant on the basis of § 18-434(2)(d). The following certification statement must be signed by an authorized representative as defined in § 18-404(4):

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.

(2) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-434(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR \_\_\_\_\_ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-434(1).

(as added by Ord. #568, June 2014)

**18-445. Compliance monitoring.** (1) Right of entry, inspection and sampling. The superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices

used to measure wastewater flow and quality shall be calibrated at least once per year to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the superintendent access to the user's premises shall be a violation of this chapter.

(2) Search warrants. If the superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the superintendent may seek issuance of a search warrant from the Circuit Court of Rhea County, Tennessee. (as added by Ord. #568, June 2014)

**18-446. Confidential information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #568, June 2014)

**18-447. Publication of users in significant noncompliance.** The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, 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 (3), (4) or (8) of this section) and shall mean:

(1) 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 §§ 18-405 through 18-410;

(2) Technical Review Criteria (TRY) 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 §§ 18-405 through 18-410 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 18-405 through 18-410 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent 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;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) 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;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #568, June 2014)

**18-448. Enforcement response plan.** Under the authority of Tennessee Code Annotated, § 69-3-123 et seq.

(1) Complaints; notification of violation; orders. (a) (i) Whenever the superintendent has reason to believe that a violation of any provisions of this chapter, pretreatment program, or of orders of the city council issued under it 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.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the city council.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the city council as provided in § 18-448(2), no later than thirty (30) days after the date the order is served; provided, that the city council may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the superintendent finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the city or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the superintendent an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the superintendent finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer

service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the superintendent finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the superintendent deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the superintendent may take any emergency action as the superintendent deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The superintendent may assess the person or persons responsible for the emergency condition for actual costs incurred by the city in meeting the emergency.

(ii) Appeals from orders of the superintendent:



(A) Any user affected by any order of the superintendent in interpreting or implementing the provisions of this chapter may file with the superintendent a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the superintendent is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the city council as provided in paragraph (2). The superintendent's order shall remain in effect during the period of reconsideration.

(C) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the superintendent or any person designated by the superintendent, or service may be made in accordance with Tennessee statutes authorizing service of process in civil actions. Proof of service shall be filed in the office of the superintendent.

(2) Hearings. (a) Any hearing or rehearing brought before the city council shall be conducted in accordance with the following, under the authority of Tennessee Code Annotated, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the superintendent shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the superintendent and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the city council at a regular or special meeting. A quorum of the city council must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the city council, together with the findings of fact and conclusions of law made under this section. The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover the costs of preparation;

(iv) In connection with the hearing, the mayor shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of

hearing or subpoena issued under this section, the Chancery Court of Rhea County, Tennessee has jurisdiction upon the application of the city council or the superintendent to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the city council may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the city council shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the mayor no later than thirty (30) days following the close of the hearing;

(vii) The decision of the city council becomes final and binding on all parties unless appealed to the courts as provided in this section.

(viii) Any person to whom an emergency order is directed under § 18-448(1)(b)(I)(D) shall comply immediately, but on petition to the city council will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the city council.

(b) An appeal may be taken from any final order or other final determination of the city council by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101 et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the superintendent may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the superintendent and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered,

immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125:

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the city council or the superintendent.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The superintendent may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the superintendent a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the city council and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the superintendent may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the superintendent may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The superintendent may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The city council may establish by regulation a schedule of the amount of civil penalty which can be assessed by the superintendent for certain specific violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten

thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

Under the authority of Tennessee Code Annotated, § 69-3-126:

(a) The superintendent may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the city council by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the superintendent may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. Under the authority of Tennessee Code Annotated, § 69-3-127, the superintendent may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the city council or superintendent. In the action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-428 of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permit, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in the general discharge prohibitions as set forth in this chapter.

(f) Failure to properly submit an industrial waste survey when requested by the superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in paragraph (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties - special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance. (a) Insignificant non-compliance: For the purpose of this section, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) Significant noncompliance: Shall have the definition as set forth in § 18-447 of this chapter and pursuant to 0400-40-14-.08(6)(b)8. Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).<sup>1</sup>

(9) Criminal penalties. In addition to civil penalties imposed by the superintendent and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (as added by Ord. #568, June 2014)

**18-449. Enforcement Response Guide Table.** (1) Purpose. The purpose of the Enforcement Response Guide Table is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement Response Guide Table. The superintendent shall use the schedule in Appendix A, which is incorporated herein by reference as if copied verbatim, to impose sanctions or penalties for the violation of this chapter. (as added by Ord. #568, June 2014)

**18-450. Administrative civil penalties.** Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response Guide Table (Appendix A). The superintendent may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

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<sup>1</sup>Appendix A to the ordinance 568, which creates this chapter, is of record in the recorders office.

Category 1	No penalty
Category 2	\$50.00 - \$500.00
Category 3	\$500.00 - \$1,000.00
Category 4	\$1,000.00 - \$5,000.00
Category 5	\$5,000.00 - \$10,000.00

(as added by Ord. #568, June 2014)

**18-451. Remedies nonexclusive.** The remedies provided for in this chapter are not exclusive. The superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the superintendent may take other action against any user when the circumstances warrant. Further, the superintendent is empowered to take more than one enforcement action against any noncompliant user. (as added by Ord. #568, June 2014)

**18-452. Pretreatment charges and fees.** (1) Purpose. It is the purpose of this section to provide a schedule of charges and fees which will enable the city to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with the regulations of the federal grant program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the city. These charges and fees shall be recovered through the user classification established hereinafter.

(2) Classification of users. All users shall be classified by the superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and fees. The city may adopt charges and fees which may include, but are not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fee for use of garbage grinders;

- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative cost related to the pretreatment program;
- (i) Fees for monitoring, inspection and surveillance procedures;
- (j) Fees for reviewing accidental discharge prevention procedures and construction;
- (k) Fees for allowing connection of building sewers to the POTW.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD <sub>5</sub>	300 milligrams per liter
COD	700 milligrams per liter
TEN	60 milligrams per liter
NH <sub>3</sub> -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Total Dissolved Solids	3,000 milligrams per liter
Oil and Grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH<sub>3</sub> as N, chlorine demand, and volume.

(a) Surcharge determination procedure. The surcharge(s) shall be based on the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole. Samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the city in accordance with the latest edition of "Standard Methods for The Examination of Water and Wastewater."

(b) Surcharge rates. The surcharge on excessive BOD<sub>5</sub>, COD, TEN, NH<sub>3</sub>N, suspended solids, total dissolved solids, oil and grease, or any constituent found in paragraph (4) shall be determined by the following formula:

Surcharge Factor =

$$\frac{\text{Actual Constituent Concentration}}{\text{Constituent Concentration for "Normal Sewage"}} - 1$$



The "surcharge factor" shall be multiplied by the monthly charge for sewer service to obtain the surcharge for that particular month.

The city may adjust or vary the various rates and/or formulas at its discretion.

(5) User charges. The fair user charge fee schedule consists of a flat base charge based on an equitable distribution of administrative costs of providing sewer service to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred feet (200') of a sanitary sewer owned by the city, plus an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the city. A surcharge will be levied against those users which discharged wastewater that exceeds the strength of "normal wastewater." The owner or occupant of property obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW shall install, without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rate or rates as provided in this chapter. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the city's stormwater system, the quantity of water so used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the city and installed by the owner or occupant without cost to the POTW. The current fair user charge fee schedule and the method used in calculating the fee schedule shall at all times be maintained on file by the superintendent for inspection by the public.

(6) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$Cu = \frac{Ct}{Vt} x (Vu)$$

Where:

Cu = User's charge for O&M per unit of time.

Ct = Total O&M cost per unit of time.

VT = Total volume contribution from all users per unit of time.

Vu = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(7) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(8) Biennial review of operation and maintenance charges. The city shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall revise the charges for users or user classes to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (as added by Ord. #568, June 2014)

**18-453. Severability.** If any section, subsection, paragraph, or provision of this chapter is held by any court of competent jurisdiction to be invalid or unconstitutional, the remaining sections, subsections, paragraphs and provisions of this chapter shall not be affected or invalidated and shall continue in full force and effect. (as added by Ord. #568, June 2014)

**18-454. Conflict.** All other chapters, ordinances or parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (as added by Ord. #568, June 2014)

## CHAPTER 5

### WASTEWATER REGULATIONS

#### SECTION

- 18-501. Purpose and policy.
- 18-502. Definitions.
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- 18-504. General discharge prohibitions.
- 18-505. Federal categorical pretreatment standards.
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- 18-529. Pretreatment enforcement--assessment for noncompliance with program permits or orders.
- 18-530. Pretreatment enforcement--judicial proceedings and relief.
- 18-531. Pretreatment enforcement--expenditures.
- 18-532. Disposition of damage payments and penalties.

**18-501. Purpose and policy.** This chapter sets forth uniform requirements for the users of the wastewater collection and treatment system for the City of Dayton, Tennessee, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and

the general pretreatment regulations (40 CFR, Part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater treatment system that will interfere with the operation of the system or contaminate the resulting sludge.

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with system.

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Dayton, and to the persons outside the city who are, by contract or agreement with the city, users of the City of Dayton's POTW. Except as otherwise provided herein, the Superintendent of the Water and Sewer Department for the City of Dayton shall administer, implement, and enforce the provisions of this chapter. (1988 Code, § 8-301)

**18-502. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

(2) "Approval authority." The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

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

(c) A duly authorized representative of the individual designated above if the representative is responsible for the over-all operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure, for five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "City." The City of Dayton, Tennessee."

(8) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment work's NPDES permit, where publicly-owned treatment works is designed to treat such pollutants and, in fact, does remove or reduce such pollutants to the degree required by the POTW's NPDES permit.

(9) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(10) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(11) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency.

(12) "Grab sample." A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(13) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(14) "Incompatible pollutant." All pollutants other than compatible pollutants.

(15) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(16) "Industrial user." A source of indirect discharge which does not constitute a 'discharge of pollutants' under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(17) "Interference." The inhibition or disruption of the POTW treatment processes or operations which 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 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 municipal wastewater treatment system.

(18) "Local administrative officer" means the chief administrative officer of a pretreatment agency which has adopted and implemented an approved pretreatment program pursuant to this part and 33 U.S.C. Section 1251, et seq. and 40 C. F. R. Section 403.1, et seq.

(19) "Local hearing authority" means the administrative board created pursuant to an approved pretreatment program which is responsible for the administration and enforcement of that program and provisions of this act.

(20) "National categorical pretreatment standard or pretreatment standard." 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 a specific category of Industrial Users.

(21) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of section 307 (b) of the Act and 40 CFR, Section 403.5.

(22) "New source." Any source, whose construction is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to the source, if the standard is thereafter promulgated within 120 days of proposal in the "Federal Register." Where the standard is promulgated later than 120 days after proposal, a new source means any source, whose construction is commenced after the date of promulgation of the standard.

(23) "National pollution discharge elimination system of NPDES permit." A permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342)

(24) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(25) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(26) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(27) "Pollutant." Any dredged 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, and agricultural waste discharge into water.

(28) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of

pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(29) "Pretreatment program" means the rules, regulations and/or ordinances of a pretreatment agency regulating the discharge and treatment of industrial waste which complies with this part and 33 U.S.C. Section 1251, et seq. and 40 C. F. R. Section 403.1, et seq.

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(31) "Publicly-owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Dayton who are, by contract or agreement with the City of Dayton users of the city's POTW.

(32) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Significant industrial user." Any industrial user of the city's wastewater disposal system who (a) has a discharge flow of 50,000 gallons or more per average work day, or (b) has a discharge flow containing a weight of BOD(5) or suspended solids equivalent to that weight found in 50,000 gpd of sanitary wastes, or (c) has a flow greater than 5% of the flow in the city's wastewater treatment system, or (d) has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, or (e) is found by the city, state, or the U.S. Environmental Protection Agency (EPS) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by system.

(35) "State." State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water." Any flow occurring during or after any form of natural precipitation and resulting therefrom.

(38) "Superintendent." The person designated by the city to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

(40) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

(41) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(42) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(43) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW.

(44) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other natural or artificial bodies, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

(45) "Wastewater contribution permit." As set forth in this § 18-515(3) of this chapter. (1988 Code, § 8-302)

**18-503. Abbreviations.** The following abbreviations shall have the designated meanings:

<u>BOD</u>	-	Biochemical oxygen demand
<u>CFR</u>	-	Code of Federal Regulations
<u>COD</u>	-	Chemical oxygen demand
<u>EPA</u>	-	Environmental Protection Agency
<u>l</u>	-	Liter
<u>mg</u>	-	Milligrams
<u>mg/l</u>	-	Milligrams per liter
<u>NPDES</u>	-	National pollutant discharge elimination system
<u>POTW</u>	-	Publicly-owned treatment works
<u>SIC</u>	-	Standard industrial classification
<u>SWDA</u>	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq
<u>TSS</u>	-	Total suspended solids
<u>U.S.C.</u>	-	United States Code (1988 Code, § 8-303)



**18-504. General discharge prohibitions.** No user shall contribute, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

(1) Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings of an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances that may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half ( $\frac{1}{2}$ " ) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or higher than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for

reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(7) Any substance that will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(8) Any wastewater causing discoloration of the POTW effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 60°C (140°F) or causes the influent to the wastewater treatment plant to exceed 40°C (104°F).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the City of Dayton in compliance with applicable state or federal regulations.

(12) Any wastewater that causes a hazard to human life or creates a public nuisance.

(13) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Department of Public Health. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the Tennessee Department of Public Health to a storm sewer or natural outlet. When the superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall: (1) Advise the user(s) of the

impact of the contribution on the POTW; and (2) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW. (1988 Code, § 8-304)

**18-505. Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, shall immediately supersede the limitations imposed under this chapter. The affected user shall come into compliance with these limitations within three (3) years following promulgation of the standard. (1988 Code, § 8-305)

**18-506. Modification of federal categorical pretreatment standards.** Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained. (1988 Code, § 8-306)

**18-507. Specific pollutant limitations.** No person or user shall discharge wastewater to the POTW that exceeds the following standards. Dilution of any wastewater discharge for the purpose of meeting these standards shall be considered in violation of this chapter.

<u>Pollutant</u>	Daily Average Maximum <u>Concentration (mg/l)</u> (24-hour Composite Sample)
Biochemical Oxygen Demand	300
Chemical Oxygen Demand	700
Total Suspended Solids	300
Total Dissolved Solids	3000
Copper	1.50

Chromium, Total	0.840
Nickel	0.40
Cadmium	0.10
Lead	1.0
Mercury	0.010
Silver	0.10
Zinc	0.340
Cyanide	0.60
Toluene	0.850
Benzene	0.050
1,1,1-Trichloromethane	1.00
Pesticides	Below Detectable Limit (BDL)
Surface Active Agents	
(as MBAS) Non-Biodegradable	10
Total Oil and Grease	70

No person or user shall discharge any waters or waste that cause the wastewater arriving at the treatment facility to exceed any of the maximum concentration limits for a 24-hour composite sample tabulated as follows:

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)</u>
Biochemical Oxygen Demand	215
Chemical Oxygen Demand	325
Total Suspended Solids	215
Total Dissolved Solids	3000
Copper	0.50
Chromium	0.20
Nickel	0.10
Cadmium	0.030
Lead	0.250
Mercury	0.004
Silver	0.030
Zinc	0.115
Cyanide	0.150
Toluene	0.215
Benzene	0.013
1,1,1-Trichloromethane	0.30
Pesticides	Below Detectable Limit (BDL)

Surface Active Agents (as MBAS)	
Non-Biodegradable	10
Total Oil Grease	20
(1988 Code, § 8-307)	

**18-508. State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (1988 Code, § 8-308)

**18-509. City's right of revision.** The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-501 of this chapter. (1988 Code, § 8-309)

**18-510. Excessive discharge.** No user shall ever increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant - specific limitation developed by the city or state. (Comment: Dilution may be acceptable means of complying with some of the prohibitions set forth in § 18-604, e.g., the pH prohibition.). (1988 Code, § 8-310)

**18-511. Accidental discharges.** Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within 170 days from the effective date of this chapter. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(1) Written notice. Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the 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 that may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this chapter or other applicable law.

(2) **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. (1988 Code, § 8-311)

**18-512. Purpose of fees.** It is the purpose of this chapter to provide for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth by separate ordinance. (1988 Code, § 8-312)

**18-513. Charges and fees.** The city may adopt charges and fees that may include:

- (1) fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) fees for monitoring, inspection, and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for permit applications;
- (5) fees for filing appeals;
- (6) fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; and
- (7) other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (1988 Code, § 8-313)

**18-514. Wastewater discharges.** It shall be unlawful to discharge without a NPDES permit to any natural outlet within the City of Dayton, or in any area under its jurisdiction, any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter. It shall be unlawful to discharge without a City of Dayton permit any wastewater to the POTW except as authorized by the superintendent in accordance with the provisions of this chapter. (1988 Code, § 8-314)

**18-515. Wastewater contribution permits.** (1) **General permits.** All users proposing to discharge non-domestic waste to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the

POTW. Any existing connected user discharging waste other than domestic waste shall obtain a wastewater contribution permit within 180 days after the effective date of the provisions of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the superintendent an application in the form prescribed by the city. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) 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:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 18-504--18-511 of this chapter, 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 and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and peak wastewater flow rates, including daily, monthly and seasonable variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge that are limited by any city, 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 O & M and/or additional pretreatment is required for the user to meet applicable pretreatment standards; and
- (i) If additional pretreatment and/or O & M 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:

- (i) 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in (i) above shall exceed nine (9) months.

(iii) No later than 14 days following each date in 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 that 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 (9) months elapse between these progress reports to the superintendent.

(j) Each product produced by type, amount, process or processes, and rate of production;

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

(l) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(m) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

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

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the users subject to such standards shall apply for a permit modification to require compliance with the standard within the time frame prescribed by the 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 subsection (2), 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 paragraphs (h) and (i) of subsection (2).

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable



regulations, user charges, and fees established by the city. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW.
- (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 18-516)
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.
- (i) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (j) Requirements for notification of slug discharges.
- (k) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(5) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) 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 re-issuance 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 city during the term of the permit as limitations or requirements as identified in §§ 8-404 through 8-411 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective dated 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 city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (1988 Code, § 8-315)

**18-516. Reporting requirements for permittee.** (1) Compliance date report. Within ninety (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 that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process that are limited by the 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 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 engineer registered to practice engineering in the State of Tennessee.

(2) Periodic compliance reports. (a) Any industrial user subject to a pretreatment standard, after the compliance date for the pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent, upon request, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standard and the sewer user ordinance. In addition, this report may also be required to include a report of all daily flows which, during the reporting period, exceed the average daily flow reported in § 18-615(4)(c).

(b) The superintendent may impose mass limitations on users to meet applicable pretreatment standards or requirements, or in any other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (a) 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. These reports shall be made available to the approval authority upon request. 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(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be approved by the administrator. (1988 Code, § 8-316)

**18-517. Monitoring facilities.** The city shall require monitoring facilities to be provided and operated at the user's own expense, 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 city 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.

There shall be ample room in or near the 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 a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specification. Construction shall be completed within ninety (90) days following written notification by the city. (1988 Code, § 8-317)

**18-518. Inspection and sampling.** The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its 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 city 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 that 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 city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (1988 Code, § 8-318)

**18-519. Pretreatment.** Users shall provide necessary wastewater treatment as required to comply with this chapter 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 city shall be provided, operated, and maintained at the user's expense. Detailed plans, prepared by a professional engineer registered to practice engineering in the State of Tennessee, showing the pretreatment facilities and operating procedures, shall be submitted to the superintendent for review, and shall be acceptable to the city 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 city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1988 Code, § 8-319)

**18-520. Confidential information.** Information and data on a user obtained from reports, questionnaires, permit application, 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 city that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

The portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public when confidentially is reported by the person furnishing the report, but shall be made available upon written request to governmental agencies for uses related to this chapter or the National Pollutant Discharge Elimination System (NPDES) Permit. These portions of a report shall be available for use by the state and 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.

Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a thirty (30) day notification is given to the user. (1988 Code, § 8-320)

**18-521. Private sewage disposal.** Where any residence, office, recreational facility, or other establishment used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. For any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a 1% grade in the building sewer but is otherwise accessible to the POTW, the owner shall provide a private sewage pumping station as provided in § 18-625.

(1) **Non-availability certificate.** A private sewage disposal system may not be constructed within the city limits unless and until a certificate is obtained from the superintendent stating that the POTW is not accessible to the property and no such POTW is proposed for construction in the immediate future. Further, it is required that the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer and upon which lot or parcel a building exist for residential, commercial

or industrial use, or if the lot be vacant that in the future when a building exist or is constructed for residential, commercial or industrial use, that said owner is required to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter; in addition to any other method of enforcement such requirement, a city, town or utility district also providing water service to such property, may within or without its borders, refuse water service to such owner, tenant or occupant until there has been compliance and may discontinue water service to a owner, tenant or occupant failing to comply within thirty (30) days after notice to comply. Further, that any extension of a sewer line must be approved by the City Council for the City of Dayton and upon approval a permit shall be issued authorizing the extension and designating who shall pay for the cost of said extension. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the City of Dayton and the Rhea County Health Department.

(2) Requirements. Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Rhea County Health Department and the City of Dayton, Tennessee, and must be inspected and approved by the authorized representative of the county health department and by the superintendent. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the POTW becomes available, the building sewer shall be connected to such POTW within 60 days of the date of availability, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Rhea County Health Department. (1988 Code, § 8-321)

**18-522. Regulation of holding tank waste disposal.** (1) Septic tanks. No person owning vacuum or "septic tank" pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW unless he has applied for and received a truck discharge operation permit for the superintendent. All applicants for a truck discharge operation permit shall complete the forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the superintendent. These permits shall be valid for a period of one (1) year from date of issuance, but the permit is subject to revocation by the superintendent for violation of any provisions of this section or reasonable regulation established by the superintendent. Permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he has applied for and been issued a permit by the superintendent. 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 the 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. The user shall pay any applicable charges or fees thereof, and shall comply with the conditions of the permit issued by the superintendent and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). No permit will be required to discharge domestic waste from a recreational vehicle holding tank if the discharge is made into an approved facility designed to receive the waste.

(3) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefor shall be paid to the city to be set by ordinance. Any such permit granted shall be for one (1) full fiscal year or 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 non-transferable. 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. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established by ordinance.

(4) Designated disposal locations. The superintendent 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, firm, association, or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(5) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of the permit by the superintendent. The possession within the 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 the person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Dayton. (1988 Code, § 8-322)

**18-523. Building sewer permit.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any POTW or appurtenances thereof without first obtaining a written building sewer permit from the superintendent.

Any residential and commercial user discharging only domestic wastes shall make application for a building sewer permit furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. (1988 Code, § 8-323)

**18-524. Connections.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the POTW shall be made only by City of Dayton or its duly authorized agent. The sewer connection and all building sewers, from the building to the POTW, shall be inspected by the superintendent before the underground portion is covered.

A separate and independent building sewer shall be provided for every building, except that where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (1988 Code, § 8-324)

**18-525. Installation.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter. All others shall be sealed to the specifications of the superintendent.

Building sewers shall be at least four inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four-inch building sewers shall be laid on a grade of at least 1.0%. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM Specification and shall be laid in conformation with the appropriate ASTM specification of the W.P.C.F. Manual of Practice, No. 9.

Building sewers shall be constructed only of (1) concrete or clay sewer pipe using rubber compression joints of approved type; (2) cast-iron soil pipe using rubber compression joints of approved type; (3) polyvinyl-chloride pipe with rubber compression joints; (4) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (5) such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable. Each connection to the POTW must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle

of a type approved by the superintendent attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the POTW is at a grade of one percent (1%) or more if possible. In cases where basement or floor levels are lower than ground elevation at the point of connection to the POTW, adequate precautions by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the POTW, wastes carried by the building drain shall be lifted by an approved means and discharged to the building at the expense of the owner.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW.

The connection of the building sewer into the POTW shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice, No. 9. All such connections shall be made gastight and watertight. Any deviation for the prescribed procedures and materials must be approved by the superintendent before installation. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the POTW. The connection shall be made under the supervision of the superintendent or his representative.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance shall include repair or replacement of the service line as deemed necessary by the superintendent to meet specification of the city. (1988 Code, § 8-325)

**18-526. Pretreatment enforcement--procedure, complaints, orders.** (1) **Non-emergency violations.** (a) Whenever the local administrative officer of any pretreatment agency has reason to believe that a violation of any provisions of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(b) 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 the violators of the opportunity for a hearing before the local hearing authority.

(c) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-527, no later than thirty (30) days after the date such order is served; provided, however, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Emergency procedure. (a) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or facilities of the publicly owned treatment works of the pretreatment agency, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the local administrative officer deems necessary to meet the emergency.

(b) If the violator fails to respond or is unable to respond to the local administrative officer's order, the local administrative officer may take such emergency actions as he deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assist the person or persons responsible for the emergency condition for actual cost incurred by the local administrative officer in meeting the emergency.

(3) Service of process. Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this part may be served on any person affected thereby personally, by the local administrative officer or any person designated by him, or such service may be made in accordance with Tennessee statutes authorizing service of process in civil actions. Proof of service shall be filed in the office of the local administrative officer. (1988 Code, § 8-326)

**18-527. Pretreatment enforcement—hearings.** (1) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(a) Upon receipt of a written petition from the alleged violator pursuant to this section, the local administrative officer shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60)

days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement.

(b) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting in order to conduct the hearing herein provided.

(c) A verbatim record of the proceedings of such hearing shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision (f) of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation.

(d) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of the county in which pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

(e) Any member of the local hearing authority may administer oaths and examine witnesses.

(f) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decision and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairman.

(g) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (2).

(h) Any person to whom an emergency order is directed pursuant to § 18-526 shall comply therewith immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

(2) An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the

chancery court pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made. (1988 Code, § 8-327)

**18-528. Pretreatment enforcement--violations civil penalties.**

(1) Any person including, but not limited to industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand (\$10,000.00) dollars per day for each day during which the act or omission continues or occurs:

- (a) Violates any effluent standard or limitation imposed by a pretreatment program;
- (b) Violates the terms or conditions of a permit issued pursuant to a pretreatment program;
- (c) Fails to complete a filing requirement of a pretreatment program;
- (d) Fails to allow or perform an entry, inspection, monitoring or reporting requirement of a pretreatment program;
- (e) Fails to pay user or cost recovery charges imposed by a pretreatment program; or
- (f) Violates a final determination or order of the local hearing authority or the local administrative officer.

(2) Any civil penalty shall be assessed in the following manner:

- (a) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;
- (b) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for his objection and asking for a hearing in the matter involved before the local hearing authority, and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;
- (c) Whenever any assessment has become final because of a person's failure to appeal the local administrative officer's assessment, the local administrative officer may apply to the appropriate court for a judgement and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.
- (d) In assessing the civil penalty the local administrative officer may consider the following factors:
  - (i) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(ii) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(iii) Cause of the discharge or violation.

(iv) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(v) Effectiveness of action taken by the violator to cease the violation;

(vi) The technical and economic reasonableness of reducing or eliminating the discharge; and

(vii) The economic benefit gained by the violator; and

(e) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(3) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(4) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violation of Tennessee Code Annotated, § 69-3-115 (a)(1)(F). Provided, however, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs. The state's share of any additional costs of this section shall be funded in accordance with Tennessee Code Annotated, § 9-6-303 from the increase in state imposed taxes which are earmarked to counties and which are not designated by such counties for a particular purpose. (1988 Code, § 8-328)

**18-529. Pretreatment enforcement--assessment for noncompliance with program permits or orders.** (1) The local administrative officer may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or § 18-526, § 18-527 or § 18-528.

(2) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of

such assessment, he shall be deemed to have consented to such assessment and it shall become final.

(3) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or §§ 18-526 through 18-532 in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(4) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment. (1988 Code, § 8-329)

**18-530. Pretreatment enforcement--judicial proceedings and relief.** The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, or orders of the local hearing authority or local administrative officer. In such action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity. (1988 Code, § 8-330)

**18-531. Pretreatment enforcement--expenditures.** Any net increase in expenditures after subtracting out net gains from penalties and damage payments received by a local governmental entity, pursuant to §§ 18-526 through 18-532 shall be borne equally by the local governmental entity and by the Department of Health and Environment. The local governmental entity shall document and verify its expenditures before receiving reimbursement from the Department of Health and Environment. (1988 Code, § 8-331)

**18-532. Disposition of damage payments and penalties.** All damages and/or penalties assessed and collected under the provisions of §§ 18-526 through 18-532 shall be placed in a special fund by the pretreatment agency and allocated and appropriated to the pretreatment agency by the administration of its pretreatment program. (1988 Code, § 8-332)

**CHAPTER 6****CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>****SECTION**

- 18-601. Definitions.
- 18-602. Standards.
- 18-603. Construction, operation, and supervision.
- 18-604. Statement required.
- 18-605. Inspections required.
- 18-606. Right of entry for inspections.
- 18-607. Correction of existing violations.
- 18-608. Use of protective devices.
- 18-609. Unpotable water to be labeled.
- 18-610. Violations.

**18-601. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections;

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device that contains or may contain imparting sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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<sup>1</sup>The regulation in this chapter are recommended by the Tennessee Department of Health and Environment for adoption by cities.

Municipal code references

Plumbing code: title 12.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the City of Dayton for general use and which is recognized as the public water supply by the Tennessee Department of Health and Environment. (1988 Code, § 8-401)

**18-602. Standards.** The Dayton Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-13-101 and 68-13-104 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1988 Code, § 8-402)

**18-603. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and its operation is at all times under the direct supervision of the superintendent of the water department of the City of Dayton. (1988 Code, § 8-403)

**18-604. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system shall file with the superintendent of the water department of the City of Dayton a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. The statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1988 Code, § 8-404)

**18-605. Inspections required.** It shall be the duty of the Dayton public water supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of the water department of the City of Dayton and as approved by the Tennessee Department of Health and Environment. (1988 Code, § 8-405)

**18-606. Right of entry for inspections.** The superintendent of the water department or his authorized representative shall have the right to enter,

at any reasonable time, any property served by a connection to the City of Dayton public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of this information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1988 Code, § 8-406)

**18-607. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by superintendent of the water department of the City of Dayton.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-104, within a reasonable time and within the time limits set by the superintendent shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1988 Code, § 8-407)

**18-608. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or



(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the water department of the City of Dayton, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be reduced pressure zone type backflow preventers approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the water department of the City of Dayton prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

The department may inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water department or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the water department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the superintendent of the water department of the City of Dayton. (1988 Code, § 8-408)

**18-609. Unpotable water to be labeled.** The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet that could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1988 Code, § 8-409)

**18-610. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined in accordance with the general penalty clause and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the superintendent of the water department of the City of Dayton shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until the cross connection, auxiliary intake, bypass, or interconnection has been discontinued. (1988 Code, § 8-410)

**CHAPTER 7****LOW PRESSURE SEWER EXTENSIONS INSIDE AND OUTSIDE  
THE CITY LIMITS OF DAYTON****SECTION**

- 18-701. Use of system regulated.
- 18-702. Inspections of the low pressure sewer.
- 18-703. Maintenance of the grinder pump.
- 18-704. Connection charges.
- 18-705. Right to enter.
- 18-706. Easements.
- 18-707. Repairs due to the customer's negligence.
- 18-708. Customer's other responsibilities.
- 18-709. Billing.
- 18-710. Dispute of bill.
- 18-711. Termination of service by customer.
- 18-712. Discontinuance or refusal of service.
- 18-713. Reconnection charges.
- 18-714. Service charge for returned checks and disconnection.

**18-701. Use of system regulated.** (1) All persons using, desiring, or required to use or connect to the City of Dayton sanitary sewer system shall comply with the requirements as set forth in chapter 2, sewers, and chapter 3, water and sewer extensions outside city, of title 18, water and sewers, of the Dayton Municipal Code, as amended, excepting §§ 18-205, 18-206, 18-306, 18-307, 18-309, 18-310, and 19-310, in addition to complying with the requirements as set forth in this chapter. In the event of a conflict with the requirements of this chapter 7 and chapters 2 and 3, then the provisions and requirements of this chapter shall govern. The installation required to connect to the City of Dayton force main sanitary sewer system consists of a grinder pump and a low pressure force main constituting a service connection.

(2) All persons using, desiring, or required to use or connect to the City of Dayton sanitary sewer system by means of low pressure pump for a residence shall be required to use and install an E-ONE grinder pump prior to the connection to the force main sewer system.

(3) All installations of the E-ONE grinder pump shall be the responsibility of the customer using, desiring or required to use or connect to the City of Dayton sanitary sewer system and all installations of the E-ONE grinder pump shall be performed by a licensed plumber at the customer's expense. Additionally, the customer shall be responsible for the installation of the service line to the city's sewer main and the installation of the service line shall be performed by a licensed plumber at the customer's expense. All necessary

electrical wiring shall be the responsibility of the customer and shall be performed by a licensed electrician and inspected in accordance with the rules and regulations as set forth in title 19, of the Dayton Municipal Code, as amended.

(4) For commercial establishments or businesses, the proposed customer shall submit complete information for engineering analysis of the requirements. The City of Dayton shall set fees on a case-by-case basis.

(5) Persons or commercial establishments or businesses without City of Dayton water service shall not be eligible for connection to the sanitary sewer system by any means. (as added by Ord. #483, March 2007)

**18-702. Inspections of the low pressure sewer.** (1) The customer shall permit and allow the City of Dayton and its agents and employees access to inspect the grinder pump and low pressure force main after installation. Additionally, the customer shall allow the City of Dayton and its agents and employees to inspect the grinder pump through a minimum of two (2) cycles.

(2) Should the City of Dayton or its agents and employees determine that the grinder pump or the low pressure force main has not been installed properly or is not working properly, then the customer shall not be allowed to connect to the sanitary sewer system until said deficiencies are corrected to the satisfaction of the City of Dayton. (as added by Ord. #483, March 2007)

**18-703. Maintenance of the grinder pumps.** (1) The City of Dayton shall maintain the grinder pumps during the normal, operating business hours of city hall, specifically Monday through Friday from 8:00 o'clock A.M. EST to 4:00 o'clock P.M. EST, at no extra charge to the customer.

(2) The City of Dayton shall charge the customer an extra charge for all service and maintenance on the grinder pumps performed after the normal, operating business hours of city hall as set forth above, and for service and maintenance performed during holidays or on weekends. Said extra charge shall be one hundred dollars (\$100.00) per service call.

(3) The customer shall be responsible for the costs of all electrical repairs made to the grinder pumps. All electrical repairs to the grinder pump shall be made by a licensed electrician. (as added by Ord. #483, March 2007, and replaced by Ord. #671, Aug. 2022 *Ch8\_12-04-23*)

**18-704. Connection charges.** Before the customer connects to the city's sanitary sewer system, the customer shall pay to the City of Dayton a sewer tap fee of five thousand dollars (\$5,000.00). Upon payment of the sewer tap fee, the City of Dayton shall furnish the customer with an E-ONE grinder pump and provide a point for connection to the city's sewer line. Customers requiring a duplex E-ONE grinder pump system shall pay cost of unit plus one thousand

five hundred (\$1,500.00) (supplies and tap fee). (as added by Ord. #483, March 2007, and replaced by Ord. #671, Aug. 2022 *Ch8\_12-04-23*)

**18-705. Right to enter.** The customer shall grant the City of Dayton, its agents and employees, the right to enter upon the customer's property and premises to inspect, maintain and repair the grinder pump system. (as added by Ord. #483, March 2007)

**18-706. Easements.** All service lines and grinder pump systems shall be constructed within a public right-of-way or in an easement across the customer's property which is granted upon application for said low pressure connection. Said easement shall provide in addition that the City of Dayton has permanent ingress and egress to the grinder pump for as long as it is in service. All easements shall be a minimum of ten (10) feet wide. Easements within a subdivision shall be shown and identified on the dedication plat. All other easements shall be shown on the contract drawings and with a legal description that shall be recorded by the developer at the time the plat is recorded. (as added by Ord. #483, March 2007)

**18-707. Repairs due to the customer's negligence.** The customer shall be responsible for reimbursing the city the cost of materials, labor and equipment required to repair any components of the grinder pump system which are damaged or destroyed as a direct result of the customer's negligence. (as added by Ord. #483, March 2007)

**18-708. Customer's other responsibilities.** (1) The customer shall not construct any structure or other permanent improvement that would prevent or hinder the City of Dayton from maintaining or repairing the grinder pump system.

(2) The customer shall not make any alterations, modifications, or changes to the grinder pump system after its inspection and approval by the City of Dayton without the prior written consent of the City of Dayton. Further, any alterations, modifications, or changes to the grinder pump system that are approved by the City of Dayton shall be made at the customer's expense. Any unauthorized alterations, modifications, or changes to the grinder pump system shall result in the city disconnecting service. (as added by Ord. #483, March 2007)

**18-709. Billing.** A copy of the current applicable rates may be obtained at the Dayton City Hall and an effort will be made to notify customers of any rate changes either by public media or mail. Bills for residential service will be rendered monthly. Bills for commercial and industrial service shall be monthly.

Sewer bills must be paid on or before the discount date shown thereon to

obtain the net rate; otherwise, the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his/her service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount. (as added by Ord. #483, March 2007)

**18-710. Dispute of bill.** In case of a disputed bill, the customer may request in writing a hearing within fifteen (15) days from the date of receipt of bill before the city manager or any other officer duly appointed by the Dayton City Council. The hearing officer will hear all evidence and complaints and render a written decision. The hearing shall be scheduled as soon as possible but not later than thirty (30) days from the date of the written request. If the customer is dissatisfied with the decision of the hearing officer, an appeal may be perfected within ten (10) days from the date of the rendering of the written decision with the appeal to be directed to the city council who shall hear the evidence and render a decision. The customer's service will not be terminated until an appropriate decision is reached as herein stated. (as added by Ord. #483, March 2007)

**18-711. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under the contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for service to be discontinued may be required; and the city may continue the service for a period of not to exceed ten (10) days after receipt of the written notice, during which

time the customer shall be responsible for all charges for such service. If the city should continue service after the ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than the occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (as added by Ord. #483, March 2007)

**18-712. Discontinuance or refusal of service.** The city manager may discontinue service or refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

This right to discontinue service shall apply to all service received through a single connection or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

The city shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which such service is to be furnished is in default in the payment of any obligation to the city or has theretofore had his/her service disconnected because of a violation of the rules and regulations of the board.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given notice in writing at least ten (10) days prior to the date of such impending action and the reason thereof. The city representative shall not be responsible for giving notice to any residence where service has been discontinued within the previous four (4) years. Termination of utility service will not be made on any day preceding a day when the Dayton municipal building is scheduled to be closed.

In regard to the discontinuance of service the following exceptions will be made: (1) proven hardship cases, i.e., death in immediate family, sickness, etc.; (2) accounts in question as to the validity of the amount of bill; (3) accounts that are extremely abnormal for reasons such as bad weather, equipment malfunctions, providing substantial payments are being made on bill; and (4)

accounts that have been approved for payment by governmental agencies or charitable organizations.

The customer shall also be notified of his/her right to a hearing prior to disconnection if he disputes the reason thereof and requests the hearing by the date specified in the notice. When a hearing is requested, the customer may have a representative at the hearing and may testify and present witnesses on his/her behalf. Also, when a hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified on that decision. (as added by Ord. #483, March 2007)

**18-713. Reconnection charges.** (1) Whenever service has been discontinued by the city as provided for herein and before service is restored to any customer, a reconnection fee of thirty dollars (\$30.00) shall be charged and collected by the city from those customers making a request for reconnection before 1:00 o'clock PM EST.

(2) Whenever service has been discontinued by the city as provided for herein and before service is restored to any customer, a reconnection fee of sixty dollars (\$60.00) shall be charged and collected by the city from those customers making a request for reconnection after 1:00 o'clock PM EST.

(3) A service charge of twenty dollars (\$20.00) shall be charged for all returned checks.

(4) Any customer that has altered, modified, changed or tampered with a grinder pump shall pay to the city a fee in the amount of two hundred fifty dollars (\$250.00) before service is restored.

(5) The city may refuse to connect or may disconnect service for the violation of any of its ordinances, rules and regulations. (as added by Ord. #483, March 2007)

**18-714. Service charge for returned checks and disconnection.** A service charge of twenty dollars (\$20.00) shall be charged for all returned checks. Service shall be terminated if the check is not paid within ten (10) days after appropriate notification to the customer that the check has returned at the address of the service. If service is terminated, the same reconnection fee shall apply as those of non-payment termination. (as added by Ord. #483, March 2007)