

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and sewer 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 and/or sewer service from the city under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any water or sewer 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.

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

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1988 Code, § 13-102)

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service deposit in an amount provided under such rate schedules as the city may adopt from time to time by appropriate resolution¹ before service is supplied. The service deposit shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for 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 such service.

The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1988 Code, § 13-103, modified)

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental

¹Administrative resolutions are of record in the office of the city recorder.

to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1988 Code, § 13-104)

18-105. Water connections and meter settings. All service lines for water will be laid by the municipality from the water main to the property line and meters set at the expense of the applicant for service. The location of such lines and meters will be determined by the municipality.

Before a new 3/4 inch service line will be laid and a meter set by the municipality, the applicant shall make a payment of \$300.00 for connections within the city and \$700.00 for connections outside the city. For all service lines over 3/4 inch in diameter, the applicant shall deposit such sum as shall be estimated by the municipality. This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant. However, in no event shall such cost be less than that for a 3/4 inch service line.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

All water, sewer, and gas tapping fees shall be paid in advance based on estimated costs and shall be adjusted by additional payment or refund upon completion by anyone directly or indirectly commencing service. All connections to the water, sewer, and gas system shall be made by the City of Madisonville or contractors working directly for the city. No tapping fees shall be accepted until the city recorder has determined that service is available or can be extended to the customer. It shall be illegal for anyone to receive city services without complying with the above procedures.

Any customer receiving city services without complying with the above procedures shall be assessed a penalty under the general penalty provision of this code. Each day that a violation continues shall constitute a separate offense. Such penalty shall be in addition to the normal tapping fee. (1988 Code, § 13-105, modified, as amended by Ord. #02-29-0, June 2002)

18-106. Sewer connections. Any person, firm, or corporation desiring to connect with an existing public sewer where such public sewer abuts with and is adjacent to the applicant's property shall first apply to the municipality and fill out the proper application blank for such connection. Each application shall be accompanied by a connection fee in an amount provided under such rate schedules as the city may adopt from time to time by appropriate resolution. All connections made pursuant to this section shall be made by municipal

employees or by a contractor employed by the municipality and shall be extended from the public sewer main to the private property line. This section shall have no application where mains are extended pursuant to § 18-107 of this code, and all connections made to mains extended pursuant to § 18-107 shall be made in accordance with said § 18-107. (1988 Code, § 13-106, modified)

18-107. Water and sewer main extensions. (1) Any person, firm, or corporation within or outside the municipality desiring to have water and/or sewerage service made available to a particular area or subdivision and to be served by the water and/or sewerage system of the municipality shall:

(a) Enter into a written developmental agreement with the city, if the person, firm, or corporation is a developer.

(b) At own expense prepare detailed plans and specifications of the distribution system in conformance with the regulations of the municipality.

(c) Secure the approval of the plans and specifications in writing from the city engineer.

(d) At own expense, construct the distribution system in accordance with the specifications in a good and workmanlike manner and furnish all materials, labor and services therefor.

(e) Furnish to the municipality evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(f) Furnish to the municipality a written statement from the city engineer that the installation conforms to all specifications and that he has approved it.

(g) Transfer and convey, by a written instrument, the distribution system, one (1) year after completion, to the municipality free from all liens of every kind.

(2) The city engineer, through the development agreement, shall secure bids from competent and licensed contractors for the furnishing of materials, labor, and services necessary for the construction of the distribution system.

(3) If the entire cost of construction and installation of such system is approved by the city engineer, and if it is conveyed and transferred to the municipality free from all liens and encumbrances, and if the applicant keeps and performs his agreements and undertakings as set forth above, then

(a) The municipality will permit the system to be connected onto its distribution system and will furnish water and/or sewerage service to each customer within the area or subdivision after the installation of a municipally owned water meter for each service.

(b) The municipality will charge for water and/or sewerage service at the rates currently being charged other customers in similar locations. (1988 Code, § 13-107, modified)

18-108. Water and sewer main extension variances. Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council and city engineer.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1988 Code, § 13-108, modified)

18-109. 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, § 13-109)

18-110. 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>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	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>
5/8", 3/4", 1"	\$15.00
1-1/2", 2"	18.00
3"	22.00
4"	30.00
6" and over	35.00

If such tests show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1988 Code, § 13-110)

18-111. Meter service charges. (1) 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 and charges for each such 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, such computation to be made at the city's applicable water 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.

(2) Minimum bill. All water services obtained under this chapter shall pay a minimum monthly water bill in the amount prescribed under § 18-126 of this chapter even if they used no water during the month.

(3) Meter availability charge. All water customers who have or will obtain a water meter from the city under this chapter but who have not physically connected their homes, businesses, or any other establishment or property to the water meter as of the date of the adoption of this section shall have the option of retaining the water meter by paying the minimum monthly water bill prescribed in subsection (2) above. That option shall remain open for **60 days**. After that time the city will remove the water meter or lock the meter, at the city's discretion, until such time as the property owner or user makes application for, and becomes a customer of, water service under the provisions of, and subject to the charges contained, in this chapter.

(4) Changes in tenants and users. Where the water customer is a tenant or other user of the property, and the water customer's water service is terminated either by the water customer or by the city for any reason under this chapter, and the water service has been disconnected, the water service shall be transferred to the name of the property owner or landlord, if there is a landlord agreement on file with the city, or locked at the request of the property owner or landlord. The property owner or landlord shall bear no financial responsibility of the former tenant's or other user's use of water before that time, but shall be financially responsible, unless the meter is locked by the city, for the use of water on the property, as governed by the provisions of § 18-126 of this chapter after that time and until such time as a new tenant or other user or occupier, has become a customer of water service on the property under this chapter.

A fee of \$25.00 will be charged to unlock and turn on the meter. (1988 Code, § 13-111, as amended by Ord. #06-99-0, June 2006)

18-112. Customer billing and payment policy. Water, gas, and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than ten (10) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the water and sewer department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M.

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, § 13-112, modified)

18-113. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice (e.g., monthly bill, letter, or tag) shall be given to the customer before termination of city utility services according to the following terms and conditions:

(a) A written notice of the deadline by which the City of Madisonville is to receive payment for utility services is set forth on each monthly bill sent to each municipal customer. Failure to remit payment by the date indicated will result in the termination of utility services. The written notice given on the monthly utility bill, shall include the following information:

- (i) The amount due.
- (ii) The last date by which payment must be received by the City of Madisonville in order to avoid service termination.

(iii) The customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, the availability of special counseling for emergency and hardship cases. The customer is required to promptly notify the city if the customer desires a hearing to occur.

(b) Hearings for service termination, including for nonpayment of bills, will be held by appointment only at the city hall between the hours of 8:30 A.M. and 4:30 P.M. on any business day, by request.

(c) Termination will not be made on any preceding a day when the water and sewer department is scheduled to be closed (Sunday or Holiday).

(d) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water and sewer department, the same shall proceed on schedule with service termination.

(e) Service terminated for any reason shall be reconnected only after the payment of all charges due have been remitted to the city or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service is made in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge of \$25.00 for the first occurrence, \$50.00 for the second occurrence, and \$100.00 for the third and any subsequent occurrences. Payment for reconnection must be made in cash. (1988 Code, § 13-113, modified, as amended by Ord. #02-35-0, Jan. 2003)

18-114. 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 such 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 such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such 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, the occupant of premises to which service has been ordered discontinued by a customer other than such 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, § 13-114)

18-115. 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, § 13-115)

18-116. Inspections. The city shall have the right, but shall not be obligated, to 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 in compliance 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 such inspection or rejection been made. (1988 Code, § 13-116)

18-117. 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 to care for it properly, the cost of necessary repairs or replacements will be determined by the city foreman and shall be paid by the customer. If service is disconnected, the cost must be paid in full before service is scheduled for reconnection by the city foreman. If damage is done to rental property and the renter has moved, damages must be paid by the property owner. (1988 Code, § 13-117, modified)

18-118. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1988 Code, § 13-118)

18-119. 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, § 13-119)

18-120. 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, or fire plugs without permission or authority from the city. (1988 Code, § 13-120)

18-121. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such 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 such service shall immediately give the city a written notice of such occurrence. (1988 Code, § 13-121)

18-122. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1988 Code, § 13-122)

18-123. 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 off such service.

(2) The city has attempted to cut off a service but such service 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, § 13-123)

18-124. 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 which a customer may use. (1988 Code, § 13-124)

18-125. Interruption of service. The city will endeavor to furnish continuous water and sewer 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, § 13-125)

18-126. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.¹ (1988 Code, § 13-126)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 2

WASTEWATER REGULATIONS

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Fees and designated disposal locations for domestic holding tank waste disposal.
- 18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-207. Discharge regulations.
- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalties; costs.
- 18-211. Fees and billing.
- 18-212. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Madisonville, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Madisonville to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Madisonville of must have adequate wastewater treatment either in the form of a connection to the municipal wastewater

treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Madisonville and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the superintendent shall administer, implement, and enforce the provisions of this chapter. (1988 Code, § 8-301)

18-202. 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;

(c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized 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." The National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "City." The City of Madisonville or city council, City of Madisonville, Tennessee.

(8) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the

future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(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) "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the city council if the city has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

(11) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

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

(13) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(14) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(15) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(16) "Grab sample." A sample which 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.

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

(18) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "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).

(20) "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).

(21) "Interference." The inhibition or disruption of the municipal wastewater 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.

(22) "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.

(23) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which 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 such source, if such 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, the construction of which is commenced after the date of promulgation of the standard.

(25) "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.

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

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

(28) "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.

(29) "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).

(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 Madisonville, who are, by contract or agreement with the city 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) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." The 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 following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(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) "Superintendent." The mayor or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(41) "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.

(42) "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.

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

(44) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, 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, that are contained within, flow through, or border upon the state or any portion thereof. (1988 Code, § 8-302)

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Madisonville, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the property line over public access.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected

to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the city recorder as required by § 18-206 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A connection fee shall be paid to the city at the time the application is filed.

(b) All costs and expenses incident to the installation, connection, and inspection 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.

(c) A separate and independent building sewer shall be provided for every building; except where one 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.

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

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

Conventional sewer system - Four inches (4").

Small diameter gravity sewer - Two inches (2").

Septic Tank Effluent Pump - One and one quarter inches (1-1/4").

Where the septic tank becomes an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4") and the minimum size of septic tank shall be 1,000 gallons. Septic tanks shall be constructed of polyethylene and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades:
Four inch (4") sewers - 1/8 inch per foot.

Two inch (2") sewers - 3/8 inch per foot.

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.

(iv) Slope and alignment of all building sewers shall be consistent and straight.

(v) Gravity building sewers shall be constructed only of the following material:

(A) Ductile iron pipe class 50 or above with rubber or neoprene gasket and "push-on" joints.

(B) Polyvinyl chloride pipe SDR-35 with solvent or neoprene gaskets and "push-on" joints.

(C) Polyvinyl chloride pipe SDR-21 with solvent weld joints and schedule 40 fittings.

Pressure sewers shall be polyvinyl chloride pipe SDR-21 with rubber or neoprene "O" rings compression joints.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(vii) Connections of building sewers to the public sewer system shall be made only by a contractor and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be at locations as approved by the superintendent.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, 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 public sewer, sanitary

sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

(f) 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.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. (1988 Code, § 8-303)

18-204. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided

in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Monroe County Health Department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the Monroe County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the City of Madisonville and the Monroe County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the City of Madisonville and the Monroe County Health Department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the City of Madisonville and the Monroe County Health Department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the City of Madisonville and the Monroe County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee, the City of Madisonville and the Monroe County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) 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 public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the City of Madisonville's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the City of Madisonville and the Monroe County Health Department. (1988 Code, § 8-304)

18-205. Fees and designated disposal locations for domestic holding tank waste disposal. (1) Statement of compliance. Any person, firm, association, or corporation desiring to dispose of domestic holding tank waste shall file on a prescribed form, a statement of compliance that the conditions of this chapter have been met.

(2) Fees. For each statement filed under the provisions of this chapter the applicant shall pay a per disposal service charge to the city to be set as specified in § 18-211.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the disposal of domestic holding tank waste 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 operation of the POTW. (1988 Code, § 8-305)

18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a permit.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and

proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-207(1) and (2) discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall 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.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include 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. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) 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 discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(c) 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:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum rate and time of discharge or requirements and equalization;

(iii) Requirements for installation and maintenance of inspections and sampling facilities;

(iv) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(v) Compliance schedules;

(vi) Requirements for submission of technical reports or discharge reports;

(vii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(ix) Requirements for notification of slug discharged;

(x) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the

wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-206(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits 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 reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) 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 written approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a User obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency 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 of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1988 Code, § 8-306)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(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 successive readings on 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, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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 from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds 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.

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

(f) 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 and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or 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.

(g) Any substances which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant 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.

(i) 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 sewer system which exceeds 65°C (150° F) or causes the influent at the wastewater plant to exceed 40°C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

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

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

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees (150°) F (0 and 65° C).

(o) Any stormwater, 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 superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	BDL	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

*Based on 24-hour flow proportional composite samples.
BDL = Below Detectable Limits

(3) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B-Plant Protection Criteria

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	0.001	0.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	0.3	0.6
Total Kjeldahl Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	220	350
COD	440	700
Suspended Solids	220	350

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular

industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or designated official) in person, by the telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any

finest, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) 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 ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the superintendent compliance with this paragraph. (1988 Code, § 8-307)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

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

(2) 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 their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user

has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being 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 professional engineer registered to practice engineering in Tennessee.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the superintendent of pollutants contained therein which are limited by the

applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the 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 and amendments thereto. Sampling shall be performed in accordance with techniques approved by the administrator.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1988 Code, § 8-308)

18-209. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply immediately;

- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time schedule. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The city council may itself conduct the hearing and take the evidence, or the city council may appoint a person to:

(i) Issue in the name of the city council notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of reproduction costs.

(d) After the city council or the appointed persons have reviewed the evidence, it/they may issue an order to the user responsible for the

discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

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

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

(6) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the city council or superintendent as authorized by this chapter is hereby declared a public nuisance and shall be corrected or abated as directed by the city council. Any person creating a public nuisance shall be subject to the provisions of the city code or ordinances governing such nuisance.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to

facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Madisonville shall sue for such damage in any court of competent jurisdiction. (1988 Code, § 8-309)

18-210. Penalties; costs. (1) Civil penalties. Any user who is found to have violated an order of the city council or the superintendent, or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Costs recoverable. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, engineering fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (1988 Code, § 8-310)

18-211. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and
- (g) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's Sewer Department at the time the application is filed.

(5) Sewer user charges.¹ The city council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program. (1988 Code, § 8-311)

18-212. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Madisonville. (1988 Code, § 8-312)

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(2) "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.

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

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

(5) "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 which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "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. (1988 Code, § 8-401)

18-302. Standards.¹ The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 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, § 8-401)

18-303. 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 Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the mayor or his representative. (1988 Code, § 8-403)

18-304. 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 mayor a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such 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)

18-305. Inspections required. It shall be the duty of the mayor 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 mayor and as approved by the Tennessee Department of Environment and Conservation. (1988 Code, § 8-405)

¹See Appendix B for the "Madisonville Water System Cross-Connection Control Plan."

18-306. Right of entry for inspections. The mayor or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the 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 such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1988 Code, § 8-406)

18-307. 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 the mayor.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the city council shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the mayor 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)

18-308. 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 mayor, 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.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the mayor 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 a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the mayor 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 mayor 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 mayor 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. Repairs shall be made by qualified personnel acceptable to the mayor.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the mayor. (1988 Code, § 8-408)

18-309. Unpotable water to be labeled. In order that 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 which 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

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1988 Code, § 8-409)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

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 under the general penalty clause for this municipal code of ordinances. (1988 Code, § 8-410)

CHAPTER 4**USER CHARGE SYSTEM****SECTION**

18-401. General provisions.

18-402. Charge structure.

18-401. General provisions. (1) Actual use. The user charge system shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(2) Notification. Each user shall be notified annually in conjunction with their regular bill of the rate being charged for wastewater treatment services.

(3) Financial management system. The user charge system must establish a financial management system that will accurately account for revenue generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(4) Charges for inflow and/or infiltration. The user charge system shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.

(5) Use of revenue. Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related-by-products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(6) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(7) Inconsistent agreements. This user charge system shall take precedence over the terms or conditions of contracts between the city and users which are inconsistent with the requirements of this chapter. (Ord. #9-90, Aug. 1990)

18-402. Charge structure. (1) Classification of users. Class 1: Those users whose average biochemical oxygen demand (BOD) is 250 milligrams per liter by weight or less, and whose suspended solids (SS) discharge is 300 milligrams per liter by weight or less. (C1)

Class 2: Those users whose average BOD exceeds 250 milligrams per liter concentration by weight and whose SS exceeds 300 milligrams per liter concentration. (C2)

(2) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the services supplied by the wastewater system. These charges shall be based upon the cost categories described as operation, maintenance, and replacement (OMR); interest (I); and, principal repayments or depreciation, whichever is greater (P).

(a) All users who fail under Class 1 shall pay a single unit charge expressed as dollars per 1000 gallons of water purchased with the unit charge being determined by the following formula:

$$C1 = OMR + I + P / \text{Total gallons treated}$$

(b) All users who fall within Class 2 classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class 1 users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

C2 = C1 plus the following formula for excessive strength

$$(A(D-250) + B(E-250) + C(F-25)) \times .00834 \times G = \text{Surcharge Payment (\$/Mo.)}$$

The components of the formula are as follows:

- A = Surcharge rate for BOD, in \$/pound.
- B = Surcharge rate of SS, in \$/pound.
- C = Surcharge rate for other pollutant(s) in \$/pound.
- D = User's average BOD concentration, in mg/l.
- E = User's average SS concentration, in mg/l.
- F = User's average other pollutants concentration, in mg/l.
- G = User's monthly flow to sewage works, per 1,000 gallons.

No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than mg/l of BOD, mg/l of SS or mg/l of other pollutant(s).

(c) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted by the city recorder if a user does not discharge it to the public sewers (i.e. filling swimming pools or industrial heating). The user shall be responsible for documenting the quantity of wastewater actually discharged to the public sewer.

(3) The governing body will review the user charges annually along with the budget process and revise the rates as necessary to ensure that adequate revenues are generated to pay OMR, I, and P. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes.

(4) The rates are recorded in § 18-126 of the municipal code. (Ord. #9-90, Aug. 1990)

CHAPTER 5

STORMWATER ORDINANCE

SECTION

- 18-501. General provisions.
- 18-502. Definitions.
- 18-503. Land disturbance permits.
- 18-504. Storm water system design and management standards.
- 18-505. Post construction.
- 18-506. Waivers.
- 18-507. Existing locations and developments.
- 18-508. Illicit discharges.
- 18-509. Enforcement.
- 18-510. Penalties.
- 18-511. Appeals.

18-501. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Madisonville and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the City of Madisonville to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the City of Madisonville to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that among other powers municipalities have with respect to stormwater facilities is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The city codes compliance office shall administer the provisions of this ordinance. (as added by Ord. #05-85-0, Aug. 2005)

18-502. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best management practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Madisonville, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Madisonville.

(5) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(6) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(7) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(8) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(9) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(10) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(11) "Hotspot" ("priority area") means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(12) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(13) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-203(3).

(14) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(15) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(16) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(17) "Municipal separate storm sewer system (MS4)" ("Municipal separate stormwater system") means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(18) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(19) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(20) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(21) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(22) "Person" means 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.

(23) "Priority area" means "hot spot" as defined in § 18-202(11).

(24) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(25) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(26) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(27) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(28) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(29) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(30) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(31) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(32) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(34) "Stormwater utility" means the stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

(35) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(36) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(37) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(38) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #05-85-0, Aug. 2005)

18-503. Land disturbance permits. (1) When required. (a) Every person will be required to obtain a land disturbance permit from the City of Madisonville in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres of land;

(ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;

(iii) Land disturbing activity of less than one (1) acre of land, if in the discretion of the city codes compliance officer such activity poses a unique threat to water, or public health or safety;

(iv) The creation and use of borrow pits.

(2) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate federal or state agency.

(d) Additions or modifications to existing single family structures.

(4) Application for a land disturbance permit. (a) Each application shall include the following:

- (i) Name of applicant;
- (ii) Business or residence address of applicant;
- (iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
- (iv) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(vii) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city codes compliance officer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 18-505(5).

(ii) A stormwater management plan as described in § 18-505(4), providing for stormwater management during the land disturbing activity and after the activity has been completed.

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The city codes compliance officer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the city codes compliance officer shall provide one of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially

the objectives of this ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the city codes compliance officer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the city codes compliance officer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the city codes compliance officer.

(c) No development plans will be released until the land disturbance permit has been approved.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

(7) Notice of construction. The applicant must notify the city codes compliance officer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the city codes compliance officer. All inspections shall be documented and written reports prepared that contain the following information:

(i) The date and location of the inspection;

(ii) Whether construction is in compliance with the approved stormwater management plan;

(iii) Variations from the approved construction specifications;

(iv) Any violations that exist.

(8) Performance bonds. (a) The City of Madisonville may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City of Madisonville. Alternatively the City of Madisonville shall have the right to calculate the cost of construction cost estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The city codes compliance officer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the city codes compliance officer. (as added by Ord. #05-85-0, Aug. 2005)

18-504. Stormwater system design and management standards.

(1) Stormwater design or BMP manual. (a) Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

- (i) TDEC Sediment and Erosion Control Manual
- (ii) TDEC Manual for Post Construction

(b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the city codes compliance officer and/or city's engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) General performance criteria for stormwater management. Unless granted a waiver or judged by the city codes compliance officer to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

(c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.

(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the city codes compliance officer to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.

(3) Minimum control requirements. (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the City of Madisonville has granted the applicant a full or partial waiver for a particular BMP under § 18-504.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Madisonville may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the city codes compliance officer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: A topographic base map of the site which extends a minimum of feet beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns;

locations of utilities, roads and easements; the limits of clearing and grading;

(v) Proposed structural BMPs;

(vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(b) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

(i) A description of the design storm frequency, duration, and intensity where applicable;

(ii) Time of concentration;

(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(iv) Peak runoff rates and total runoff volumes for each watershed area;

(v) Infiltration rates, where applicable;

(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(vii) Flow velocities;

(viii) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and

(ix) Documentation of sources for all computation methods and field test results.

(c) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(d) Maintenance and repair plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

(e) Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.

(f) Maintenance easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance agreement:

(i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the city codes compliance officer. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(C) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(D) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the city codes compliance officer.

(E) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Madisonville shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Madisonville's cost of performing the maintenance shall be a lien against the property.

(iii) The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(h) Sediment and erosion control plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with § 18-505(5) below.

(5) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Tennessee. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved,

trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City of Madisonville. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the city

codes compliance officer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration. (as added by Ord. #05-85-0, Aug. 2005)

18-505. Post construction. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city codes compliance officer is required before any performance security or performance bond will be released. The city codes compliance officer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the city codes compliance officer.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the city codes compliance officer. The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after

construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in § 18-505(4)(g)(ii)(B).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least years. These records shall be made available to the city codes compliance officer during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Madisonville, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Madisonville shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Madisonville may take necessary corrective action. The cost of any action by the City of Madisonville under this section shall be charged to the responsible party. (as added by Ord. #05-85-0, Aug. 2005)

18-506. Waivers. (1) General. Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the city codes compliance officer for approval.

(2) Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

(b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Madisonville.

(c) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which

would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(3) Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City of Madisonville that the waiver will not lead to any of the following conditions downstream:

- (a) Deterioration of existing culverts, bridges, dams, and other structures;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated streambank or streambed erosion or siltation;
- (d) Increased threat of flood damage to public health, life or property.

(4) Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan. (as added by Ord. #05-85-0, Aug. 2005)

18-507. Existing locations and developments. (1) Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City of Madisonville.
- (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (c) Drainage ways shall be properly covered in vegetation or secured with rip-rapp, channel lining, etc., to prevent erosion.
- (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- (e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

- (i) Ponds
 - (A) Detention pond
 - (B) Extended detention pond
 - (C) Wet pond
 - (D) Alternative storage measures
- (ii) Constructed wetlands
- (iii) Infiltration systems
 - (A) Infiltration/percolation trench
 - (B) Infiltration basin
 - (C) Drainage (recharge) well

- (D) Porous pavement
- (iv) Filtering systems
 - (A) Catch basin inserts/media filter
 - (B) Sand filter
 - (C) Filter/absorption bed
 - (D) Filter and buffer strips
- (v) Open channel
 - (A) Swale

(2) Requirements for existing problem locations. The City of Madisonville shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Madisonville may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater utility under this section are subject to appeal under § 18-511 of this ordinance. (as added by Ord. #05-85-0, Aug. 2005)

18-508. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources,

- (ii) Landscape irrigation or lawn watering with potable water,
- (iii) Diverted stream flows,
- (iv) Rising ground water,
- (v) Groundwater infiltration to storm drains,
- (vi) Pumped groundwater,
- (vii) Foundation or footing drains,
- (viii) Crawl space pumps,
- (ix) Air conditioning condensation,
- (x) Springs,
- (xi) Non-commercial washing of vehicles,
- (xii) Natural riparian habitat or wet-land flows,
- (xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine),
- (xiv) Fire fighting activities, and
- (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the city codes compliance officer as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the city codes compliance officer has so specified in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the

event of a release of non-hazardous materials, the person shall notify the city codes compliance officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city codes compliance officer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 7 years. (as added by Ord. #05-85-0, Aug. 2005)

18-509. Enforcement. (1) Enforcement authority. The city codes compliance officer or his/her designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

(2) Notification of violation. (a) Written notice. Whenever the city codes compliance officer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the officer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The city codes compliance officer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(c) Show cause hearing. The City of Madisonville through legal counsel or through the city codes compliance officer, may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not 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.

(d) Compliance order. When the city codes compliance officer finds that any person has violated or continues to violate this ordinance

or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) Cease and desist orders. When the city codes compliance officer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the city or its city codes compliance officer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail. (as added by Ord. #05-85-0, Aug. 2005)

18-510. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Madisonville, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Madisonville of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the city by and through its city codes compliance officer may consider:

(a) The harm done to the public health or the environment;

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

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the municipality;

(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and

(g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover;

(a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(b) The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(5) Other remedies. The City of Madisonville may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (as added by Ord. #05-85-0, Aug. 2005)

18-511. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the municipality's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the City of Madisonville's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the City of Madisonville shall be final.

(3) Appealing decisions of the municipality's governing body. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #05-85-0, Aug. 2005)

CHAPTER 6

SEWER USE ORDINANCE

SECTION

- 18-601. General provisions--definitions.
- 18-602. Use of public sewers required.
- 18-603. Private wastewater disposal.
- 18-604. Building sewers and connections.
- 18-605. Excluded wastes.
- 18-606. Industrial/commercial wastewater discharge permits.
- 18-607. Pretreatment.
- 18-608. Flow and concentration control.
- 18-609. Measurement of flow.
- 18-610. Monitoring facilities.
- 18-611. Inspections, monitoring, reporting, and records.
- 18-612. Authority for inspection.
- 18-613. Confidential information.
- 18-614. Protection of equipment.
- 18-615. Enforcement.
- 18-616. Extension of sewer service.
- 18-617. Severability.
- 18-618. Conflict.
- 18-619. Amendments.
- 18-620. Requirements for oil/grit separators.

18-601. General provisions--definitions. The following words, terms, and phrases, wherever used in this ordinance, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended.

(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) "Accidental discharge." Any release of wastewater that, for any unforeseen reason, fails to comply with any prohibition or limitation in this ordinance.

(3) "Approval authority." The director and/or the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation (TDEC) or his designee.

(4) "Authorized representative of a user." An authorized representative of an industrial/commercial user shall be:

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

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

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

(5) "Best Management Practices (BMPs)." Consistent maintenance practices to insure that the grease trap and/or grease interceptor effluent and structure are in compliance with this ordinance. Such practices include, but are not limited to, regular cleanout schedules, posted cleanout procedures, and grease reduction guidelines.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) C (sixty-eight degrees (68°) F) expressed in terms of weight and volume (mg/L).

(7) "Building sewer." The connecting pipe from a building, beginning five feet (5') outside the inner face of the building wall, to a sanitary sewer.

(8) "Bypass." The intentional or unintentional diversion of waste streams from any portion of a user's facility.

(9) "City." The City of Madisonville, Tennessee.

(10) "Sanitation board member." The member of the Board of Aldermen of the City of Madisonville that shall be assigned by the mayor to have oversight responsibilities for the city's sewer system.

(11) "Commercial user." Any user of the wastewater system who discharges commercial waste, as that term is defined in § 18-601(12), into the wastewater system.

(12) "Commercial waste." The liquid and waterborne wastes resulting from processes or operations generated by commercial establishments beyond the character and content of typical domestic wastes.

(13) "Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and additional pollutants as are now, or may be in the future, specified and controlled in the city's NPDES permit for its wastewater treatment plant.

(14) "Composite sample." A sample made by combining a number of grab samples collected over a defined period of time. A composite sample may be either a:

(a) Flow proportional composite sample. A sample composed of sample aliquots combined in proportion to the amount of flow occurring at the time of their collection. Such samples may be composed of equal aliquots being collected after equal predetermined volumes of flow pass the sample point or of flow proportional grab sample aliquots being collected at predetermined time intervals so that at least eight (8) aliquots are collected per twenty-four (24) hours; or

(b) Time proportional composite sample. A sample composed of equal sample aliquots taken at equal time intervals of not more than two (2) hours over a defined period of time.

(15) "Control authority." The City of Madisonville, Tennessee.

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

(17) "Director." The director of the wastewater system of the city or his duly authorized agent or representative.

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

(19) "Domestic waste." The liquid and waterborne pollutants from the non-commercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial establishments, industrial facilities, and institutions.

(20) "Environmental Protection Agency (EPA)." The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the recorder or other duly authorized official of said agency.

(21) "Flammable." Shall be defined in §§ 18-605(9)(a) and (9)(b).

(22) "FOG." Fats, oils, grease, and related substances of similar characteristics.

(23) "Food service establishment." A commercial or institutional facility discharging kitchen or food preparation wastewaters, such as restaurants, motels, hotels, cafeterias, delicatessens, meat cutting or preparation facilities, bakeries, hospitals, schools, bars, or any other facility that, in the city's discretion, may require a grease trap or interceptor installation by virtue of its operation.

(24) "Grab sample." A sample that is taken from a waste stream on a one-time basis and collected over a period of time not to exceed fifteen (15) minutes with no regard to the flow in the waste stream and without consideration of time.

(25) "Grease interceptor." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. An interceptor is a vessel of the outdoor or underground type, normally of one thousand (1,000) gallon capacity or more, constructed of concrete, steel, or fiberglass.

(26) "Grease trap." A device utilized to effect the separation of grease and oils in wastewater effluent from a food service establishment. A trap is an under-the-counter or floor package unit, which is typically less than one hundred (100) gallons, constructed of steel or fiberglass.

(27) "Holding tank waste." Any waste from holding tanks, including by way of example but not limitation, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trunks.

(28) "Incompatible pollutant." Any pollutant that is not a compatible pollutant, as defined in § 18-601(13).

(29) "Indirect discharge or discharge." The discharge or the introduction from any non-domestic source regulated under section 307(b), (c),

or (d) of the Act, (33 U.S.C. § 1317), into the wastewater system, including holding tank waste discharged into the wastewater system.

(30) "Industrial user." Any user of the wastewater system who discharges industrial waste, as that term is defined in § 18-601(31), into the wastewater system.

(31) "Industrial waste." The liquid and waterborne wastes resulting from processes or operations generated by industrial facilities beyond the character and content of typical domestic wastes.

(32) "Infiltration." The water entering sanitary sewers and building sewers from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, or other defects in sanitary sewers as defined in § 18-601(51) or building sewers as defined in § 18-601(7). Infiltration does not include and is distinguished from inflow.

(33) "Inflow." The water discharged into sanitary sewers and building sewers from such sources as downspouts, roof leaders, cellar and yard area drains, commercial and industrial discharges of unpolluted wastewater as defined in § 18-601(67), drains from springs and swampy areas, etc. It does not include and is distinguished from infiltration.

(34) "Interference." The inhibition or disruption of the city's wastewater treatment processes or operations, or acts or discharges that may cause damage to any portion of the wastewater system or that contribute to a violation of any requirement of the city's NPDES permit. The term includes interference with wastewater sludge use or disposal in accordance with state or federal criteria, guidelines, or regulations, or any state or federal sludge management plan applicable to the method of disposal or use employed by the wastewater system, such as, but not limited to, section 405 of the Act, the Solid Waste Disposal Act (42 U.S.C. 6901, *et seq.*), and the Clean Air Act.

(35) "May." Permissive.

(36) "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 other wastes that may cause interference.

(37) "National Pollutant Discharge Elimination System permit (NPDES permit)." A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342) by the state under delegation from EPA.

(38) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(39) "New source." Any discharge or proposed discharge of industrial/commercial waste for the first time into the wastewater system or a proposed significant change, as defined in § 18-606(3), in the character or volume of any industrial/commercial waste currently being discharged into the wastewater system.

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

(41) "Normal sewage." A waste having average concentrations of three hundred (300) mg/L of BOD or less and three hundred (300) mg/L of Total Suspended Solids (TSS) or less as determined by samples taken before entering the wastewater system.

(42) "Pass through." A discharge that exits the wastewater treatment plant into waters of the state in quantities or concentrations that, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the NPDES permit.

(43) "Person." Any individual, firm, company, partnership, corporation, association, group, or society, and includes the State of Tennessee and agencies, districts, commissions, and political subdivisions created by or pursuant to state law. Where used herein, the masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(44) "pH." A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter (g/L) of solution.

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

(46) "Pretreatment." The reduction in the amounts of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration in the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the wastewater system.

(47) "Pretreatment standard." Prohibited discharge standards.

(48) "Properly shredded garbage." The organic waste resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in sanitary sewers with no particle being greater than one-half inch (1/2") in any dimension.

(49) "Public sewer." A sewer that is controlled by the city.

(50) "Receiving stream." That body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant.

(51) "Sanitary sewer." A public sewer controlled by the city that carries liquid and waterborne waste from residences, commercial establishments, industrial facilities, or institutions, together with minor quantities of ground and surface waters that are not intentionally admitted.

(52) "Septage." Liquid and solid waste pumped from a sanitary sewage septic tank or cesspool.

(53) "Sewer." A pipe or conduit for carrying wastewater.

(54) "Sewer System Overflow (SSO)." An unintentional occurrence where wastewater discharges from the wastewater system to the surrounding ground surface or to the waters of the state.

(55) "Shall." Mandatory.

(56) "Significant Industrial User (SIU)." Any industrial user discharging to the sewerage system who:

(a) Has an average daily process wastewater flow of twenty-five thousand (25,000) gallons or more;

(b) Has a wastewater discharge that is greater than five percent (5%) of the capacity (i.e., allowable load) of the city's wastewater treatment plant;

(c) Is required to meet a federal categorical pretreatment standard; or

(d) Is found by the city, the approval authority, or EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater system, the quality of sludge, the system's effluent quality, or air emissions generated by the wastewater system.

(57) "Slug." Any discharge of wastewater for any duration during which the rate of flow or concentration of any constituent increases to such magnitude so as to adversely affect the operation of the wastewater system or the ability of the wastewater treatment plant to meet applicable water quality objectives and NPDES permit compliance.

(58) "Standard methods." The analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or "EPA Methods for Chemical Analysis of Water and Wastes." All procedures must conform to 40 C.F.R. part 136.

(59) "State." The State of Tennessee.

(60) "Storm sewer or storm drain." A sewer that carries storm and surface waters and drainage, but that excludes wastes.

(61) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting there from.

(62) "Strength of waste." The concentration of pollutants or substances contained in a wastewater.

(63) "Total Suspended Solids (TSS)." The total solid matter that either floats on the surface of or is suspended in wastewater and that is removable by laboratory filtration.

(64) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in federal or state law or regulations promulgated by EPA or the state.

(65) "Twenty-five percent (25%) rule." All grease traps and grease interceptors shall be cleaned when the accumulation of floatable FOG plus the

depth of settled solids has reached a depth of no greater than twenty-five percent (25%) of the total operating vessel depth.

(66) "Unpolluted wastewater." Wastewater not containing any pollutants limited or prohibited by the effluent standards in effect, or wastewater that will not cause any violation of receiving water quality standards when discharged.

(67) "Upset of pretreatment facilities." An exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of the user's permit because of factors beyond the reasonable control of the user. An upset does not include noncompliance caused by operational error, improper design or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations.

(68) "User." Any person or facility who discharges, causes, or permits the discharge of wastewater into the wastewater system.

(69) "Waste." Any physical, chemical, biological, radioactive, or thermal material, which may be a solid, liquid, or gas, and that may be discarded from any industrial, municipal, agricultural, commercial, institutional, or domestic activity.

(70) "Wastewater." The liquid and water-carried commercial, industrial, institutional, or domestic wastes from dwellings, commercial establishments, industrial facilities, and institutions together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater system.

(71) "Wastewater system." All facilities for collecting, pumping, transporting, treating, and disposing of wastewater.

(72) "Wastewater treatment plant." The facilities of the city for treating and disposing of wastewater.

(73) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state of any portion thereof. (as added by Ord. #08-139-0, Oct. 2008, and amended by Ord. 11-174-0, March 2011)

18-602. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any wastewater, human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.

(3) Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, property, or right-of-way in which there is now located, or may in the future be located, a public sewer of the City of Madisonville, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice from the city to do so, provided that said public sewer abuts the real property. (as added by Ord. #08-139-0, Oct. 2008)

18-603. Private wastewater disposal. (1) Where any residence, office, commercial, industrial, or recreational facility, or other establishment used for human activity is not accessible to a public sewer, the property owner shall provide a private sewage disposal system.

(2) Where the building drain of any residence, office, commercial or recreational facility, or other establishment used for human activity is below the elevation to obtain a one percent (1%) grade in the building sewer, but is otherwise accessible to a public sewer, the property owner shall provide a private sewage pumping station, unless the property is located in an area where the city is providing pumping stations as part of its wastewater system.

(3) A private wastewater disposal system may not be constructed within the city limits unless and until a certificate is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the property to be served is less than seven thousand five hundred (7,500) square feet.

(4) Any private wastewater disposal system must be constructed in accordance with the requirements of the state, the appropriate county health department, and the city and must be inspected and approved by the authorized representative of the appropriate county health department.

(5) The property owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of the date of notice from the city to do so, and the private wastewater disposal system shall be abandoned by cleaning the sludge from the tank, cracking or drilling the tank bottom foundation, and filling the tank with suitable compacted material, such as soil or gravel.

(7) Holding tank waste, septage, and any other waste from private wastewater disposal systems within the city shall be discharged into the wastewater system only under the following conditions:

(a) Persons owning or operating vacuum-pump trucks or trucks hauling septage or other liquid waste transport trucks shall not discharge wastewater directly or indirectly from such trucks into the wastewater system unless such persons shall have first applied for and received a permit for such discharge from the city. All applicants for such permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the city. The owners or operators of such vehicles shall affix and display their permit number on the sides of vehicles used for such purposes. Such permit shall be valid for a period of five (5) years from date of issuance, provided that such permit shall be subject to revocation by the city for violation of any provision of this ordinance or reasonable regulation established by the city. Such permit shall be limited to the discharge of wastewater containing waste from private disposal systems. The director shall designate the locations and times where such trucks may discharge, and may refuse to accept any truckload of waste in his absolute discretion where he determines that the waste could cause interference with the effective operation of the wastewater system.

(b) No person shall discharge any other holding tank waste or any other waste, including industrial waste, into the wastewater system unless he shall have applied for and been issued a permit by the city. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, the limitations of wastewater constituents, and characteristics of the permit issued by the city. The discharge of hazardous waste, as defined in section 1004 of RDRA as codified in 40 C.F.R. part 261, into a public sewer or to the headworks of the wastewater treatment plant is prohibited.

(c) Notwithstanding any of the forgoing, no holding tank waste, septage, or any other waste from outside the city shall be discharged directly or indirectly into the wastewater system from vacuum-pump trucks, septage hauling trucks, or other liquid waste transport trucks, provided, however, that the director may, in his absolute discretion, permit the discharge of such waste by agreement and in accordance with § 18-603(7).

(d) No person shall operate a dumping station for the discharge of wastewater from recreation vehicles into the wastewater system unless the user of the dumping station shall have first applied for and received a permit from the city. All applicants for such permits shall complete

such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the city. These permits shall be issued only for approved facilities designed to receive wastewater only.

(8) Nothing in this section shall be construed to free waste haulers from additional requirements that may be imposed by other local or state agencies. (as added by Ord. #08-139-0, Oct. 2008)

18-604. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb a public sewer or appurtenances thereof without first obtaining written approval from the director.

(2) The person requesting any action described in § 18-604(1) shall make application on the appropriate form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the director. An application fee shall be paid by all new applicants, including transferals. The application fee shall be nonrefundable. Applicants for industrial building sewer permits shall provide a description of the constituents of the wastewater and all other information that may be requested by the city.

(3) All residential, commercial, and industrial users to whom a public sewer is accessible shall connect to the sewer as provided in § 18-602(4) following payment of all fees and charges associated with such connection. Residential, commercial, and industrial users will be charged based on the number of individual units to be served, regardless of whether the complex is to be used as apartments, retail shops, duplexes, or multiple businesses. There will be one (1) sewer bill for each individual unit to be served. The user charge for monthly sewer use shall be based on the sewer rate schedule adopted and current as of the date of the connection. In addition, the city shall not be responsible for any cost that a developer may incur in the installation of public sewers.

(4) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the user. The user 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 public sewers shall be made only by a plumber, contractor, or individual duly licensed and authorized in writing by the director. Such authorization will in no way waive any requirement of this ordinance, nor is such approval by the city to be construed as a guarantee of performance for said plumber, contractor, or individual.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination by the director, to meet all requirements of this ordinance.

(6) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a

grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions, by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner of said building. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be pumped to the building sewer as approved by the director at the expense of the owner of the building.

(7) 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 that in turn is connected directly or indirectly to a public sewer. No person shall cover, construct, build, or erect any structure that will interfere with the accessibility, service, or removal of any sewer appurtenance that is maintained by the city. If an obstruction is found upon inspection by city personnel, the responsible party shall be notified immediately that the obstruction is to be removed permanently within a specified time limit as determined by the director. The responsible part includes, but is not restricted to, owner, leaseholder, contractor, developer, and person(s) who are using or causing a discharge into the public sewer. A violation of this subsection shall be punishable by fine, upon conviction as authorized by law, and each day shall constitute a separate offense.

(8) The connection of a building sewer into the public sewer shall conform to the rules, regulations, policies, and standards of the city. All such connections shall be made gas-tight and watertight as verified by proper testing.

(9) The applicant for the building sewer shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his authorized representative.

(10) At least one (1) cleanout shall be provided for each building sewer. The cleanout shall be located as near to the building as possible. Additional cleanouts are recommended at any horizontal change in direction in the building sewer requiring a forty-five degree (45°) or greater bend.

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

(12) Destruction or malice to any city-owned appurtenances, pumps, or lines shall be the responsibility of the owner. A charge for replacement of said equipment and associated labor shall be rendered.

(13) Upon review by the city and director, a service charge may be imposed on any commercial or residential user for foreign material, such as, but not limited to, plastic, cloth, metal, wood, etc., or breakage of the pump station.

(14) A service charge may be imposed if the director determines that abuse or neglect of a wastewater disposal device has occurred by the owner,

whether it is the cleaning or repair of a pit or other appurtenance of the city that was taken out of service or abused by the owner of said property.

(15) Upon the inspection of property, if the city finds breakage, abuse, or leakage of service lines from buildings to the city equipment or lines, the city shall give the owner time to correct the problem as determined by the director. If the problem is not corrected within a specified period, the city shall have the right to repair and charge the owner for corrections or discontinue water service. (as added by Ord. #08-139-0, Oct. 2008)

18-605. Excluded wastes. General prohibitions. The following general prohibitions apply to all users of the wastewater system:

(1) All users shall take all reasonable steps to prevent any discharge in violation of the user's permit and this ordinance. Pollutants, substances, wastewater, or other wastes prohibited by this ordinance shall not be processed or stored in such a manner that they could be discharged to the wastewater system.

(2) No user shall increase the use of potable or process water or in any other way attempt to dilute the discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the user's permit.

(3) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that causes interference or pass through with the operation or performance of the wastewater system.

(4) All users operating food service establishments may, at the discretion of the director, be required to provide Fats, Oils, and Grease (FOG) interceptors or traps for the proper handling of liquid waste containing FOG or other harmful ingredients. All interceptors or traps shall be of a type and capacity approved by the city, and shall be located so as to be readily and easily accessible for cleaning and inspection. All interceptors or traps shall be supplied and properly maintained for continuous, satisfactory, and effective operation by the user at his expense.

(5) The discharge of any hazardous material, listed in 40 C.F.R. part 261, is expressly forbidden.

(6) All users shall comply with the general prohibitive discharge standards in 40 C.F.R. part 403.5 (a) and (b) of the Federal Pretreatment Regulations.

(7) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters in any public sewer.

(8) Prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming a part of the city's wastewater system, except where these may constitute occasional, intermittent inclusions in the wastewater discharged from residential premises:

(a) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment plant or result in other interference with the treatment process, but in no case wastewater with a temperature that exceeds sixty degrees (60°) C (one hundred forty degrees (140°) F) at its introduction into the wastewater treatment plant.

(b) Visible floatable Fats, Oils, or Grease (FOG) of animal or vegetable origin in concentrations greater than fifty (50) mg/L or in amounts that, in the discretion of the director, may cause interference or pass through.

(c) Visible floatable petroleum oil, cutting oil, or products of mineral origin in amounts that, in the discretion of the director, may cause interference or pass through.

(d) Substances that will solidify or become viscous at temperatures between zero degrees (0°) C (thirty-two degrees (32°) F) and sixty degrees (60°) C (one hundred forty (140°) F).

(e) Any garbage that has not been properly shredded so that no particles are any greater than one-half inch (1/2") in any dimension.

(f) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage, or hazard to structures or equipment of the wastewater system or to humans or animals, or cause interference with proper operation of the wastewater treatment plant. All waste discharged to the wastewater system must have a pH value in the range of six (6) to ten (10) standard pH units. Prohibited materials include, but are not limited to, concentrated acids and alkalis; high concentrations of compounds of sulfur, chlorine, and fluorine; and substances that may react with water to form strongly acidic or basic products.

(g) Any waste having a color that is not removable by the existing wastewater treatment processes and that would cause the plant effluent to exceed color requirements of the State of Tennessee for discharge to the receiving stream, if applicable.

(9) Specific prohibited wastes. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any public sewer forming part of the city wastewater system.

(a) Pollutants that create a fire or explosive hazard, including, but not limited to, waste streams with a closed cup flash point of less than sixty degrees (60°) C (one hundred forty (140°) F) using the test methods specified in 40 C.F.R. 261.21.

(b) 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 way to the wastewater system or to the operation of the wastewater system. At no time shall two (2) successive readings (fifteen (15) to thirty (30) minutes between readings) on an explosion hazard meter at the point of discharge into the wastewater 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 covered by this subsection include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(c) Any trucked or hauled pollutants, except at discharge point(s) designated by the director in accordance with § 18-603 of this chapter.

(d) Any solid or viscous substances in quantity or character capable of causing obstruction to flow in public sewers, interference with proper operation of the city's wastewater system, or risks to the health and safety of the city's personnel. Prohibited materials covered by this subsection include, but are not limited to, eggshells from egg processors, ashes, cinders, ceramic waste, stone or marble dust, sand, mud, straw, shavings, grass clippings, thread, glass, glass grinding or polishing wastes, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, spent hops, animal tissues, hair, hides, or fleshings, entrails, whole blood, viscera or other fleshy particles from processing or packing plants, lime or similar sludges, and residues from refining or processing of fuel or lubricating oils.

(e) Any noxious or malodorous solids, liquids, or gases that, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for maintenance and repair.

(f) Any pollutants that result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause worker health and safety problems.

(g) Any substances that may cause wastewater treatment plant effluent, or any other products of the wastewater system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to cause interference with the reclamation process. In no case shall a substance discharged to the wastewater system cause the wastewater system to be in noncompliance with sludge use or disposal criteria, guidelines, ordinances, or regulations developed by local, state, or federal authorities.

(h) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity, flow, or concentration (either singly or by interaction with other pollutants) to cause interference with the wastewater treatment plant.

(i) Any substance that will cause the sewerage system to violate its NPDES permit or water quality standards of the receiving stream.

(j) Any waste that, by interaction with other waste in the wastewater system, may release obnoxious gases, form suspended solids that cause interference with operation of the public sewer, or create conditions deleterious to structures and wastewater treatment processes.

(k) Any form of inflow as defined by § 18-601(33), including stormwater.

(l) Infiltration determined to be excessive by the director.

(m) Any unpolluted wastewater as defined by § 18-601(66), except as specifically permitted by the director.

(10) Specific pollutant limitations. No user shall discharge into any public sewer forming part of the city wastewater system any of the following materials in concentrations exceeding the limits stated below:

(a) Any wastes that contain more than ten (10) mg/L of hydrogen sulfide, sulfur dioxide, or nitrous oxide.

(b) Any toxic or poisonous substance or any other materials in sufficient quantity to cause interference with the operation of the city's wastewater treatment plant, to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the watercourse receiving the effluent from the wastewater treatment plant, or to exceed limitations established by the director or set forth in applicable pretreatment standards as referenced in the Code of Federal Regulations 40 C.F.R. 403.

(c) Any waste containing suspended solids of such character and quantity that unusual provisions, attention, or expense is required to handle such materials at the city's wastewater treatment plant.

(d) Any waste containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.

(e) No person shall discharge wastewater containing concentrations of the constituents listed below in excess of the upper limits listed below.

(i) No person with a permit to discharge industrial/commercial waste shall discharge in excess of the following limits unless such discharge is specifically authorized in a duly issued permit to discharge industrial/commercial waste. If more stringent standards are established in a city permit to discharge industrial/commercial waste or have been promulgated by the state or EPA in applicable categorical pretreatment standards, those standards shall supersede the following standards.

Protection Criteria

Parameter	Monthly Average mg/L*	Daily Maximum mg/L*
Chromium, hexavalent	1.0	70
Chromium, trivalent	N/A	2200
Nickel	56	52
Cyanide	3.5	52
Zinc	47	180
Cadmium	0.012	1.5
Copper	20	30
Iron	1500	3000
Antimony	1600	9000
Arsenic	40	440
Lead	0.75	74
Mercury	0.02	4.1
Selenium	35	260
Silver	0.6	1.2
Phenols	N/A	300

*Milligram/Liter

These limits are established to comply with published thresholds or ranges for inhibitory effects on the unit operations of the treatment plant. Limits on the concentrations of other metallic constituents and/or toxic substances that may have a detrimental effect on the wastewater treatment plant may be established by the director and/or the state, unless the prospective discharger can prove to the aforementioned parties that such substances are amenable to treatment at the treatment plant. The concentrations listed for the specific pollutants in this paragraph are daily average maximum concentrations in mg/L based on twenty-four (24) hour flow proportional composite samples. The city shall monitor the wastewater treatment plant for each parameter in the above table. In the event that the influent of the wastewater treatment plant reaches or exceeds the level established by this table, the director shall initiate technical studies to determine the cause of the violation and shall recommend to the city the necessary legal measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels.

(ii) Unless specifically authorized by a permit to discharge industrial/commercial waste, no person shall discharge wastewater continuing concentrations of the constituents listed in § 18-605(5) in excess of levels currently established for wastewater in the city. Such concentration levels shall be established by the director.

(f) The admission into the wastewater system of any waste having a Biochemical Oxygen Demand (BOD) in excess of three hundred (300) mg/L on a twenty-four (24) hour composite basis or any single grab sample having a BOD concentration in excess of one thousand three hundred (1,300) mg/L may be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the BOD to meet requirements specified by the director.

(g) The admission into the wastewater system of any waste having a Total Suspended Solids (TSS) concentration in excess of three hundred (300) mg/L on a twenty-four (24) hour composite basis or for any single grab sample having a TSS concentration in excess of one thousand three hundred (1,300) mg/L will be subject to review by the director. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the TSS content to meet requirements specified by the director.

(h) The admission into the wastewater system of any waste having a total oil and grease (combined polar and non-polar) content in excess of one hundred twenty-five (125) mg/L. If the waste stream is of mineral hydrocarbons (non-polar), the content shall not exceed one hundred (100) mg/L. If the waste stream is of biological lipids (polar), the content shall not exceed one hundred fifty (150) mg/L. Where necessary, in the discretion of the director, the user shall provide and operate, at his own expense, such pretreatment facilities as may be required to reduce the oil and grease (polar and non-polar) content to meet requirements specified by the director.

(i) The admission into the wastewater system of any waste in volumes or with constituents such that existing conditions in the public sewer or at the city's wastewater treatment plant would be affected to the detriment of the wastewater system will be subject to review by the director. Where necessary, in the discretion of the director, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level and to hold or equalize flows so that no peak flow conditions may hamper the operation of any unit of the wastewater system. Said equalization or holding unit shall have a capacity suitable to serve its

intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(j) If any federal categorical pretreatment standards are more stringent than limitations imposed by this ordinance, the federal categorical pretreatment standards shall immediately supersede the limitations imposed under this ordinance. All affected users shall notify the director of the applicable reporting and monitoring requirements imposed by the federal standards within thirty (30) days of passage.

(k) State requirements and limitations shall apply in any case where they are more stringent than federal requirements and limitations or those of this ordinance.

(l) The city reserves the right to establish more stringent limitations or requirements on discharges to the wastewater system.

(11) Standards and requirements for food service establishments. Food service establishments, as defined in § 18-601(23), shall provide means of preventing grease and oil discharges to the wastewater system. Where a grease and oil interceptor currently exists or is required by the city, it shall be maintained for continuous, satisfactory, and effective operation by the owner, leaseholder, or operator at his expense. Grease and oil interceptors shall be of a type and capacity approved by the city and shall be located as to be readily accessible for cleaning and inspection.

(a) All food service establishments shall have grease-handling facilities approved by the city. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent Fats, Oils, or Grease (FOG) from entering the wastewater system shall be notified in writing by the director of any noncompliance and required to provide a schedule whereby corrections will be accomplished.

(b) All food service establishments' grease-handling facilities shall be subject to review, evaluation, and inspection by the city's representatives during normal working hours. Results of inspections will be made available to the owner or operator. The city may make recommendations for correction and improvement.

(c) Each facility will be issued a grease interceptor/trap maintenance log upon initial inspection. Failure to maintain a log shall constitute a violation of this ordinance.

(d) Food service establishments receiving two (2) consecutive unsatisfactory evaluations or inspections shall be subject to penalties or other corrective actions as provided for in this ordinance. Two (2) consecutive satisfactory inspections need to be conducted to bring the facility into compliance.

(e) Food service establishments that continue to violate the city's grease standards and requirements shall be subject to additional enforcement action, including termination of service.

(f) Food service establishments whose operations cause or allow excessive FOG to discharge or accumulate in the city's collection system shall be liable to the city for costs related to city service calls for line blockages, line cleanings, line and pump repairs, etc., including all labor, materials, and equipment. If the blockage results in a Sewer System Overflow (SSO), and the city is penalized for the SSO, the penalty shall be passed along to the food service establishment.

(g) Regularly scheduled maintenance of grease-handling facilities is required to insure adequate operation. In maintaining the grease interceptors and/or grease traps, the owner, leaseholder; or operator shall be responsible for the proper removal and disposal of grease by appropriate means and shall maintain an on-site record of dates and means of disposal.

(h) All grease traps and/or grease interceptors shall be cleaned based on the twenty-five percent (25%) rule or when the discharge exceeds fifty (50) mg/L.

For example: If the Total Depth (TD) of the Grease Interceptor (GI) is forty inches (40"), the maximum allowable depth of floatable grease plus the depth of settled solids equals forty inches (40") multiplied by 0.25 or $d = TD \times 0.25 = 10$ inches. Therefore, the maximum allowable depth of floatable grease plus the depth of settled solids in the vessel should not exceed ten inches (10").

(i) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice.

(j) Any food service establishment whose effluent discharge to the wastewater system is determined by the city to cause interference in the conveyance or operation of the wastewater system shall be required to sample the grease interceptor and/or grease trap discharge and have it analyzed for FOG at the expense of the owner, leaseholder, or operator. The city shall approve the sampling plan and shall witness the taking of the samples. The analyses shall be performed by a certified laboratory and the report of such analyses shall be provided to the city.

(k) All grease interceptors and/or grease traps shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the public sewer. These chambers shall not be visually obscured with soil, mulch, floorings, or pavement of any material.

(l) Food service establishments shall adopt Best Management Practices (BMPs) for handling sources of floatable FOG originating within their facility. A notice shall be permanently posted at a prominent place in the facility advising employees of the BMPs to be followed. The city may render advice regarding the minimization of waste.

(m) Food service establishments shall develop and implement a waste minimization plan pertaining to the disposal of FOG and food

particles. The city may render advice or make suggestions regarding the minimization of waste.

(12) Construction standards for new food service establishments. All new food service establishments shall be required to install an outdoor grease interceptor, the design and location of which must be approved in writing by the city prior to installation.

(a) Grease interceptors shall be adequately sized, with no interceptor less than one thousand (1,000) gallons total capacity unless otherwise approved by the city.

(b) The inlet chamber of the vessel will incorporate a PVC open sanitary tee that extends equal to or greater than twelve inches (12") below the water surface. The outlet chamber of the vessel will incorporate a PVC open sanitary tee that extends two-thirds (2/3) below the water surface. The sanitary tees (both inlet and outlet) will not be capped, but opened for visual inspection of the waste stream.

(c) All grease interceptors, whether singular or two (2) tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition.

(d) All pot and pan wash, pre-rinse sinks, and scullery and floor drains will connect and discharge to the grease interceptor.

(e) Where automatic dishwashers are not installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease trap, unless otherwise directed by the city.

(f) Where automatic dishwashers are installed, the discharge from those units will discharge directly into the grease interceptor, before entering the building drainage system.

(g) The pre-rinse sink of the automatic dishwasher will discharge directly into the grease interceptor and/or grease traps.

(h) Where food waste grinders are installed, the waste from those units shall discharge directly into the building drainage system without passing through grease interceptor and/or grease traps.

(i) The grease trap is to be installed at least fifteen feet (15') from the last drainage fixture, except as may be approved by the director.

(j) The grease interceptor is installed at least nine feet (9') from the exterior wall, except as may be approved by the director.

(k) The grease interceptor is not to be installed within a drive-through pick-up area, underneath menu boards, or in the vicinity of menu boards.

(l) A grease trap may be installed in lieu of a grease interceptor, at the discretion of the city. This determination will be based on engineering concepts that dictate the grease interceptor installation

is not feasible. The design and location of the grease trap must be approved in writing prior to installation by the city.

(m) The gallonage capacity of a grease trap shall be equal to or greater than double the gallonage capacity of all drainage fixtures discharging to the grease trap. These fixtures and other potentially grease-containing drains connecting to the grease trap will be determined and approved by the city prior to installation.

(n) No new food service establishments will be allowed to initiate operations until all grease-handling facilities are approved, installed, and inspected by the city.

(o) A basket, screen, or other intercepting device shall prevent passage into the drainage system of solids one-half inch (1/2") or larger in size. The basket or device shall be removable for cleaning purposes.

(13) Construction standards for existing food service establishments. All existing food service establishments shall have grease-handling facilities. Food service establishments without any grease-handling facilities will be given a compliance schedule to have grease-handling equipment installed. Failure to do so will be considered a violation of this ordinance and shall subject the establishment to penalties and/or corrective actions. All new outdoor grease interceptors will comply with the standards in § 18-605 as well as the grease interceptor detail drawings and specifications at the end of § 18-605.

(a) In the event that an existing food service establishment's grease-handling facilities are either under-designed or substandard in accordance with this ordinance, the owner(s) will be notified in writing of the deficiencies and required improvements and given a compliance schedule.

(b) For cases in which outdoor grease interceptors are infeasible to install, existing food service establishments will be required to install approved under-the-counter grease traps.

(c) Factory-installed flow control fittings must be provided to the inlet side of all under-the-counter grease traps to prevent overloading of the grease trap and to allow for proper operation.

(d) City approval of grease trap design will be obtained prior to installation.

(e) The location of under-the-counter units must be determined and approved by the city prior to installation.

(f) Wastewater from garbage grinders should not be discharged to grease interceptors.

(g) Wastewater from automatic dishwashers should be discharged to grease interceptors.

(h) Wastewater from the pre-rinse sink of the automatic dishwasher shall discharge directly into grease interceptors.

(i) In maintaining grease interceptors, the owner(s) shall be responsible for the proper removal and disposal of captured material and shall maintain records of the dates and means of disposal.

(j) The exclusive use of enzymes, grease solvents, emulsifiers, etc., is not considered acceptable grease trap maintenance practice. All grease interceptors must be cleaned based on the twenty-five percent (25%) rule. (as added by Ord. #08-139-0, Oct. 2008, and amended by Ord. #11-174-0, March 2011)

18-606. Industrial/commercial wastewater discharge permits.

(1) Unauthorized connections to sewerage system. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb the wastewater system without first obtaining written approval from the city.

(2) Permits to discharge industrial/commercial waste for new sources. Any person who proposes to originate the discharge of any industrial waste or commercial waste for the first time into the wastewater system or who proposes to make a significant change in the character or volume of any industrial waste or commercial waste theretofore discharged into the wastewater system:

(a) Shall apply to the city for a permit to discharge industrial/commercial waste on a form furnished by the city a minimum of one hundred eighty (180) days prior to the proposed date to originate this discharge into the city wastewater system;

(b) Shall supplement the application, signed by the authorized representative as specified in § 18-601(4), with any information that may have been furnished by the applicant to any other governmental agency and any other plans or data as the director may require for purposes of determining whether conditions are met as specified in § 18-606(6); and

(c) Shall not discharge into the wastewater system until a permit to discharge industrial/commercial waste has been issued by the city for the proposed new source.

(3) Significant changes in waste discharge. A significant change in the character or volume of waste, for purposes of § 18-606(2), shall be deemed to be proposed if:

(a) Substances, compounds, and elements not previously constituting any part of a user's waste are to be introduced into such waste;

(b) If the average concentration of any substance, compound, or element in the waste or average volume proposed to be discharged will increase by twenty-five percent (25%) or more over that for which the permit had been issued;

(c) If the change in character or volume of the waste will change the user's classification from industrial user to significant industrial user as defined in § 18-601(56).

(4) Permits to discharge industrial/commercial waste for existing industrial users. Any user, who is operating within the city and is classified an industrial user or commercial user, within the meaning of §§ 18-601(12) or 18-601(31), may continue such discharge until notified by the director in writing that a permit will be required and until an application has been submitted to and denied by the director in accordance with the following provisions:

(a) The director shall issue written notices to existing industrial/commercial users specifying in each such notice the time within which an existing industrial/commercial users shall file an application for a permit.

(b) Within the time limit specified in § 18-606(4)(a), the existing industrial/commercial user shall file the required application, signed by the authorized representative as specified in § 18-601(4), together with any other information as described in § 18-606(6). Failure to file within the specified time shall constitute an unauthorized use of the wastewater system. The director, within one hundred eighty (180) days, must deny the required application or issue a draft of the proposed permit.

(c) The existing industrial/commercial user shall have thirty (30) days in which to comment on the draft permit after which the permit will be issued or denied.

(d) An existing industrial/commercial user may continue to discharge, only after complying with the requirement to file an application for a permit, unless and until receipt by the applicant of a written notice specifying the reasons for denial of a permit and specifying what remedial action, if any, must be taken to qualify the applicant for a permit.

(e) In the event that the applicant is denied a permit or feels that the conditions of a permit are unacceptable, the applicant shall have the right to contest the denial or the conditions of the permit in accordance with the provisions of § 18-615(3) of this ordinance.

(5) Discharge prohibited where permits denied. In any case where a final determination has been made denying a permit, it shall be unlawful for any person so denied a permit to discharge industrial/commercial waste into the wastewater system.

(6) Conditions for issuing or renewing permits. A permit to discharge industrial/commercial waste will be issued or renewed by the city only when it has been determined that:

(a) Wastewater capacity is available at the proposed point of discharge for receiving the industrial/commercial waste;

(b) The waste being discharged, or proposed to be discharged, is amenable to treatment by the processes employed in the city's wastewater treatment plant and will not impair the ability of the city to comply with the water quality standards and effluent limitations established by the state and federal regulatory agencies;

(c) The waste being discharged or proposed to be discharged will not cause damage to the wastewater system or create a public nuisance or threaten public health;

(d) The concentrations of substances, compounds, and elements in the waste being discharged or proposed to be discharged do not exceed the limits established by the city or state or federal authorities; and

(e) Where the wastewater contains or may contain any substances, compounds, or elements controlled or limited by this ordinance, an adequate program of self-monitoring of flow and wastewater characteristics will be established and maintained by the user affected by this ordinance to assure that the discharge meets the requirements of this ordinance and any permit conditions. The frequency and nature of the analyses shall be commensurate with the nature and volume of the waste discharged, and shall be as specified in the permit to discharge industrial/commercial waste.

(7) Permits for industries subject to national categorical pretreatment standards. Any user subject to a newly promulgated national categorical pretreatment standard shall reapply for a permit to discharge industrial waste within one hundred eighty (180) days after the effective date of the applicable national categorical pretreatment standard. Permits to discharge industrial waste of users subject to such standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards.

(8) Permit provisions. A permit to discharge industrial/commercial waste shall be expressly subject to all provisions of this ordinance. Permits may contain the following:

(a) Limits on average and maximum wastewater constituents and characteristics. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards, as defined in § 18-601(48), or requirements or in other cases where the composition or mass limitations are appropriate;

(b) Limits on average and maximum rates and time of discharge or requirements for flow regulation and equalization;

(c) Requirements for installing and maintaining inspection and sampling facilities;

(d) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules;

(e) Compliance schedules;

(f) Requirements for submitting technical reports or discharge reports to the director pursuant to § 18-611 of this ordinance;

(g) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the city's access thereto;

(h) Requirements for notifying the city of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents being introduced into the wastewater system;

(i) Requirements for notifying the city of accidental discharges and slug discharges pursuant to §§ 18-607 and 18-608 of this ordinance; and

(j) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance and applicable law and regulations.

(9) Permit conditions and duration. A permit to discharge industrial/commercial waste shall be issued as follows:

(a) An application for permit to discharge industrial/commercial waste and all reports or information submitted pursuant to the requirements of such permit must be signed and certified by an authorized representative of the user.

(b) A permit to discharge industrial/commercial waste for an industrial/commercial user, not classified as a Significant Industrial User (SIU) in accordance with § 18-601(56), shall remain in effect for a specified time period, not to exceed five (5) years.

(c) A permit to discharge industrial/commercial waste for an SIU shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for a permit re-issuance a minimum of one hundred eighty days (180) prior to the expiration of the user's existing permit.

(d) The terms and conditions of a permit may be modified by the city during the term of the permit. A user shall be informed of any modifications in his permit at least thirty (30) days prior to the effective dates of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) A permit to discharge industrial/commercial waste does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

(f) The provisions of a permit to discharge industrial/commercial waste are severable, and, if any provision of such permit or the application of any provision of such permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of such permit shall not be affected thereby.

(10) Permit transfers. A permit to discharge industrial/commercial waste is issued to a specified user for a specific operation. A 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 written approval of the city. Any

succeeding owner or user shall also agree in writing to comply with the terms and conditions of the existing permit. (as added by Ord. #08-139-0, Oct. 2008)

18-607. Pretreatment. (1) Responsibility for pretreatment. Each user shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under § 18-606 of this ordinance and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in § 18-604 of this ordinance within time limitations as specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense.

(2) Authorization to construct. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be approved by the director before construction of the facility.

(a) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the director prior to the user's initiation of the changes.

(b) The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent discharge acceptable to the director under the provisions of this ordinance.

(3) Maintenance of pretreatment facilities. If pretreatment or control of industrial/commercial wastewater is required, such pretreatment or control facilities shall be constructed and maintained in good working order and properly operated as efficiently as possible by the owner or user at his cost and expense, subject to the requirements of this ordinance and all other applicable codes, ordinances, regulations, and laws.

(4) Additional pretreatment measures. Whenever deemed necessary, the director may require users to restrict their wastewater discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial/commercial waste streams, and such other conditions as may be necessary to protect the wastewater system and to determine the user's compliance with the requirements of this ordinance. Additionally:

(a) The director may require any person discharging into the wastewater system to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An industrial/commercial wastewater discharge permit may be issued solely for flow equalization.

(b) Grease, oil, and sand interceptors shall be provided when, in the discretion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or

sand, except that such interceptors shall not be required for residential users. All interceptors or traps shall be of a type and capacity approved by the director and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(5) Pretreatment for accidental discharge. To provide protection from accidental discharges as defined in § 18-601(2):

(a) Pollutants, substances, wastewater, or waste prohibited by this ordinance shall not be stored in such a manner that they could be discharged to the wastewater system.

(b) Each industrial/commercial user shall provide protection from accidental discharge of prohibited materials or other waste regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection may be required to be submitted to the director upon request for review and approval. Review and approval of such plans and operating procedures shall not relieve the user of the responsibility to modify his facility as necessary to meet the requirements of this ordinance.

(c) If, after taking action as provided in § 18-607(5)(a), an industrial/commercial user fails to comply with any prohibition or limitation in this ordinance, the user responsible for such accidental discharge shall immediately notify the director so that any feasible corrective action may be taken to protect the wastewater system or to minimize adverse effects thereon. In addition, a written report, addressed to the director, shall be filed by an authorized representative of the user within five (5) days of the occurrence of the accidental discharge detailing the date, time, and cause of the accidental discharge, the quantity and characteristics of the accidental discharge, and corrective action taken to prevent future accidental discharges.

(d) A notice shall be permanently posted at a prominent place in the facility for which the permit has been issued advising employees whom to call in the event of an accidental discharge. Users shall ensure that all employees who observe or who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure. (as added by Ord. #08-139-0, Oct. 2008)

18-608. Flow and concentration control. (1) Discharge of slugs prohibited. No user shall discharge into the city wastewater system any waste or wastewater that constitutes a slug as defined in § 18-601(57).

(2) Control of discharge rates. Any user now discharging or proposing to discharge waste that may include slugs may be required to provide facilities or adopt procedures for regulating, controlling, or equalizing the concentrations of any constituents or the rate of waste discharge.

(3) Spill control response plan/slug discharge plan. The city shall periodically evaluate whether each industrial/commercial user needs a spill control response plan or a discharge slug plan. The city may require any user to develop, submit for approval, and implement such a plan. Each plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the city of any accidental discharge or slug discharge, as required by § 18-607(5)(c) of this ordinance; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of 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. (as added by Ord. #08-139-0, Oct. 2008)

18-609. Measurement of flow. (1) Determination of wastewater volumes. The volume or quantity of waste discharged by any user into the city's wastewater system may be measured by one (1) of more of the following methods:

(a) If the volume of water used by any user in industrial, commercial, or process operations is substantially the same as the volume secured from the public water system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(b) If a substantial portion of the water secured from the public water system is not used in a user's facility or is not returned to the wastewater system, the quantity of waste shall be determined by one (1) or more of the following methods:

(i) By a flow meter(s) on the water supply line(s) to a process operation(s) or use;

(ii) By a flow meter(s) on the waste line(s) from an operation(s); or

(iii) If flow meters, as required under §§ 18-609(1)(b)(i) and (1)(b)(ii) above, shall not have been installed, the volume of water purchased shall be considered to be the volume of waste discharged unless the city approves an alternate method of

determining the amount of water discharged into the wastewater system.

(c) If any user now discharging or proposing to discharge waste into the wastewater system does not secure the entire water supply from the public water system, such user shall install and maintain a flow meter(s) on the waste line(s) from process operations or shall install such additional flow meters on the private water supply as required to permit determination of the total quantity discharged to the wastewater system from all sources under procedures comparable to §§ 18-609(1)(a) or (1)(b) above.

(2) Provision, calibration, and certification of flow meters. If flow meter(s) are installed to fulfill requirements of §§ 18-609(1)(b) or(1)(c) above:

(a) Such flow meter(s) shall be installed at user expense;

(b) Such flow meter(s) shall be calibrated by the supplier at the time of installation and thereafter at the discretion of the director;

(c) Such flow meter(s) are to be of the non-resettable style;

(d) Such flow meter(s) shall be calibrated by the supplier at the time of installation and thereafter at the discretion of the director;

(e) Annual certification of calibration shall be provided to the director within fifteen (15) days of each calibration for flow meters; and

(f) The director, at his discretion, may require calibration by an independent testing laboratory. If the meter is found to be in calibration, the city will pay for testing service. However, if the meter is found to be out of calibration, the user shall be required to pay for testing service.

(3) Identification of all flows required. All sources of water supply and all discharges of wastewater into the wastewater system must be identified in accordance with the provisions of § 18-609(1). Any omissions shall be considered as unauthorized use of the city wastewater system. (as added by Ord. #08-139-0, Oct. 2008)

18-610. Monitoring facilities. (1) General requirements for monitoring facilities. Any user who is discharging or proposes to discharge waste into the city wastewater system may be required to provide, operate, and maintain at the user's expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and internal drainage systems. These industrial/commercial monitoring facilities shall be as specified in the user's permit to discharge waste. The monitoring facilities 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 facilities to be constructed in a public street or sidewalk area and located so that they will not be obstructed.

(2) Maintenance of monitoring facilities. There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation

of samples for analysis. The monitoring facilities shall be maintained at all times in a safe, accurate, and proper operating condition at the expense of the user.

(3) Continuous recording and sampling equipment. When deemed necessary by the director, continuous recording and sampling equipment shall be installed and maintained.

(4) Construction periods. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with city requirements and all applicable local construction standards and specifications. Construction of said facilities shall be completed within ninety (90) days following written notification by the city. Additional construction time may be granted at the discretion of the director.

(5) Additional facilities for present users. The director shall review monitoring facilities of present users and may require additional monitoring facilities as required for compliance with §§ 18-610(1), (2), and (3) above.

(6) Monitoring facilities for new users. New users may be required to provide monitoring facilities as specified in their permits to discharge industrial/commercial waste prior to start up. (as added by Ord. #08-139-0, Oct. 2008)

18-611. Inspections, monitoring, reporting, and records.

(1) Periodic inspections. The waste and other pollutants being discharged into the city wastewater system by users shall be subject to periodic inspection, sampling, records examination, and copying. Determinations of character and strengths of said waste may be made annually or more often as may be deemed necessary by the director or his authorized representatives and as indicated in the user's permit to discharge industrial/commercial waste to ascertain whether the purposes of this ordinance are being met, to determine whether all requirements are being complied with, and to determine strength of waste.

(2) Reporting requirements for applicable categorical standards. Pretreatment standards, as defined in § 18-601(40), are as follows:

(a) Baseline monitoring reports. 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 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the city wastewater system shall submit to the director a report that contains the information listed in § 18-611(2)(b) below. At least ninety (90) days prior to commencement of their discharge, new sources, as defined in § 18-601(39), and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report that contains the information listed in § 18-611(2)(b)

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.

(b) Baseline monitoring reports shall include:

(i) The name and address of the facility, including the name of the operator and owner;

(ii) A list of any environmental control permits held by or for the facility;

(iii) A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by a user. This description should include a schematic process diagram that indicates points of discharge to the wastewater system from the regulated processes;

(iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater system from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 C.F.R. 403.6(c);

(v) The categorical pretreatment standards applicable to each regulated process;

(vi) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-611(9) of this ordinance;

(vii) Sampling must be performed in accordance with procedures set out in § 18-611 of this ordinance;

(viii) A certification statement, reviewed by the user's authorized representative and certified by a qualified professional engineer, 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;

(A) 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. 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 § 18-611(3) of this ordinance; and

(B) All baseline monitoring reports must be signed and certified by an authorized representative of an industrial/commercial user as defined in § 18-601(4) of this ordinance.

(3) Compliance schedule progress reports. (a) 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).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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

(d) In no event shall more than nine (9) months elapse between such progress reports to the director.

(4) Reports on compliance with categorical pretreatment standards 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 wastewater system, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in § 18-611(2)(b) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. 403.6(c), 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 § 18-601(4) of this ordinance.

(5) Periodic compliance reports for significant industrial users.

(a) Significant industrial users may, at a frequency determined by the director, be required to submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and

maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 18-601(4) of this ordinance;

(b) 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; and

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in § 18-611(9) of this ordinance, the results of this monitoring shall be included in the report.

(6) Reports of changed conditions. Each user must notify the director of any planned significant changes to the user's operation or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition.

(7) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharge; discharge of a non-routine, episodic nature; a non-customary batch discharge; a slug load; and/or a discharge of any prohibited wastes as defined in § 18-605(3) that may cause potential problems for the wastewater system, the user shall immediately telephone and notify the director 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.

(b) Within five (5) days following such discharge, the user shall, unless the requirement is waived by the director, 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 that may be incurred as a result of damage to the sewerage system, natural resources, or any other damage to other person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this ordinance; and

(c) 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 § 18-611(7)(a) above.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation.

(9) Sampling, analyses, and reporting for all users. Samples shall be collected manually or mechanically over such periods of time and composited in such a manner as to be representative of the waste being discharged in accordance with requirements specified in the user's permit to discharge industrial/commercial waste. Sampling techniques and laboratory methods followed in the examination of said waste shall be in accordance with those set forth in 40 C.F.R. part 136, unless otherwise specified in applicable categorical pretreatment standard. Reports of the analyses shall be submitted in accordance with requirements specified in the user's permit to discharge industrial/commercial waste. If 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

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

(b) Splitting of samples. When so requested by the industrial/commercial user, samples collected by the city will be split with the industrial/commercial user for verification of analytical results. However, determination of the character, strength, or quantity of the waste as made by the director or his authorized representatives, shall be conclusive as a basis for computation of charges or for actions by the city.

(c) Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt shall govern.

(d) Record keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. 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 director.

(10) Notification of discharge of hazardous material. (a) Subsection 18-605(1)(e) prohibits the discharge of hazardous material. Any user who may accidentally discharge hazardous material shall immediately notify the director, the EPA regional waste management division director, and the state division of solid waste management.

(b) The use of any new hazardous materials or hazardous waste in a user's facility must be immediately reported to the director, the EPA regional waste management division director, and the state division of solid waste management.

(c) In the case of any notification made under this section, the user shall certify that it has a program in place to prevent the discharge of a toxic or hazardous material. (as added by Ord. #08-139-0, Oct. 2008)

18-612. Authority for inspection. (1) Right of entry. The director and his duly authorized representatives shall be permitted to enter upon the property of the user for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial/commercial waste and other pollutants in accordance with this ordinance.

(2) Ready access. Users or occupants of premises where wastewater is generated or discharged shall allow the city or its representative(s) immediate access to all points on their premises where waste is generated or discharged into a public sewer for the purposes of inspection, sampling, records examination, or in the performance of any of their duties.

(3) Monitoring access. The city, the approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and flow metering operations.

(4) Security arrangements. Where a user has security measures in force that would require proper identification and clearance before entry onto the user's premises, the user shall make necessary arrangements with the user's security guards so that upon presentation of suitable identification, personnel from the city, the approval authority, and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. (as added by Ord. #08-139-0, Oct. 2008)

18-613. Confidential information. (1) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit; provided, however, that such portions of a report shall be available for the use by the state or any state agency in judicial review or enforcement proceedings involving the person

furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(3) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request. (as added by Ord. #08-139-0, Oct. 2008)

18-614. Protection of equipment. No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials that are a part of the city's wastewater system or that are used by the city for the purposes of making waste examinations and waste flow measurements or monitoring. Only persons authorized by the director will be allowed to uncover, adjust, maintain, and remove such equipment and materials. (as added by Ord. #08-139-0, Oct. 2008)

18-615. Enforcement. (1) Enforcement action. Any user who violates any provision of this ordinance, a condition of a permit or applicable state or federal laws or regulations may be subject to enforcement action by the city as follows:

(a) Notice of violation. Whenever the director determines that a user has violated or is violating this ordinance, a permit, or any prohibition, limitation, or requirement contained in this ordinance, or any other pretreatment requirement, the director may serve upon the user a written notice of violation that shall be addressed to the authorized representative of the user and shall set forth the date and the nature of the violation. Within thirty (30) days of the date of the notice of violation, the user shall submit a written account of the reason for the violation and a plan for the satisfactory correction thereof to the director, and shall schedule a meeting with the director or his designee. Submission of the plan does not relieve the user from liability for any violations occurring either before or after receipt of the notice of violation.

(b) Consent agreements. The director is authorized to enter into consent agreements or other similar documents establishing agreements with users not in compliance. Such agreements or documents will include specific actions to be taken by a user to correct noncompliance within a specific time period and may be titled "consent order" or "consent agreement." Similar documents shall have the same force and effect as consent orders and administrative orders issued pursuant to § 18-615(1)(c) of this ordinance.

(c) Administrative order. If the director finds that a user has violated or continues to violate this ordinance, a permit, or other applicable state or federal law or regulation, the director may issue an administrative order to cease and desist all such violations and direct the user to do any or all of the following:

(i) Immediately comply with all pretreatment requirements;

(ii) Comply with all pretreatment requirements in accordance with a time schedule set forth in the administrative order;

(iii) Take appropriate action to prevent a continuing or threatened violation; and/or

(iv) Disconnect the user's connection to the wastewater system unless the user's discharge can be adequately treated to bring it into compliance.

(d) Emergency suspension. (i) The director may revoke a user's permit or right to discharge to the wastewater system if, in the discretion of the director, such a revocation or suspension is necessary in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the public health, welfare, or to the environment, or that interferes or may interfere with the operation of the water treatment plant, or that causes or may cause the wastewater treatment plant to violate any condition of its NPDES permit.

(ii) A notice of suspension shall be sent to an authorized representative of the user by certified and regular mail or may be hand delivered to the user's facility. A user so notified shall immediately stop or eliminate the discharge. Within fifteen (15) days of the notice of suspension or revocation, a hearing will be held to determine whether the suspension may be lifted or the permit terminated.

(e) Termination of permits. Any of the following may subject a user to having its permit terminated:

(i) Failure to accurately monitor and report the wastewater constituents and characteristics of the discharge;

(ii) Failure to report significant changes in operations or wastewater constituents;

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

(iv) Violation of conditions of the permit. Users whose permits are subject to revocation under this section may be notified of the proposed termination and may be offered an opportunity to show cause why the proposed action should not be taken.

(2) Civil penalties. (a) any user who is in violation of any provision of this ordinance, a consent agreement, administrative order, a rule, regulation, law, or permit condition may be fined up to fifty dollars (\$50.00) per day per violation.

(b) Each day the violation continues may be considered a separate violation.

(c) In determining the amount of a civil penalty, the director may consider the following:

(i) The degree and extent of the harm done to the natural resources of the state, to the public health, or to public or private property as a result of the violation;

(ii) The duration and gravity of the violation;

(iii) The effect on ground or surface water quality, or on air quality;

(iv) The cost of repairing the damage to the wastewater system, to property, and to the natural resources of the state;

(v) The amount of money saved, if any, by noncompliance, including the cost of continuing to discharge in noncompliance instead of stopping operations;

(vi) Whether the violation was committed negligently, grossly negligently, recklessly negligently, willfully, or intentionally.

(vii) The prior record of a user in complying or failing to comply with the conditions of its permit, this ordinance, or other environmental laws and regulations, in effect in the city, other parts of Tennessee, or other states in the United States;

(viii) The cost to the wastewater treatment plant, including attorney's fees, sampling costs, cost of additional laboratory analysis, and the cost of engineering and consulting fees necessary, in the discretion of the city, to determine the nature and extent of damage, prevent further damage, and repair any damage.

(d) Notice of civil penalty. An assessment of civil penalty ("the civil penalty assessment") shall be made by written notice from the director to the authorized representative of the user. The notice shall be sent by certified and regular mail to the address of the user's facility.

(3) Other remedies. The director may use other available remedies to attempt to bring users into compliance including, but not limited to:

(a) Criminal violations. Upon recommendation of the board of mayor and aldermen, the director may request that the city attorney for the appropriate judicial district prosecute users not in compliance with the provisions of applicable Tennessee General Statutes, or that the United States Attorney prosecute users not in compliance with the Clean Water Act and regulations promulgated hereunder.

(b) Injunctive relief. Whenever a user is in violation of the provisions of this ordinance, a permit issued hereunder or any provision thereof, or applicable law or regulation, the director may file a lawsuit in the superior court of the appropriate county for the issuance of a restraining order, or preliminary or permanent injunction restraining the activity by the user in violation of the permit or ordinance.

(c) **Water supply severance.** Whenever a user is in violation of the provisions of this ordinance, a permit issued hereunder, or provision thereof or applicable law or regulation, the director may request that the public water supplier or other entity providing water to the user, sever the user's water supply and reconnect the water supply only after satisfactory compliance with the user's permit or the provisions of this ordinance.

(4) **Remedies nonexclusive.** The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a user not in compliance. The director is specifically empowered to take more than one (1) enforcement action against any noncompliant user.

(5) **Affirmative defenses to discharge violations.** (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with this ordinance, a permit to discharge industrial/commercial waste, or any other pretreatment standard, if the requirements set forth below are met.

(b) A user wishing to establish the affirmative defense of upset, as defined in § 18-601(67), shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause of the upset;

(ii) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operating and maintenance procedures;

(iii) The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset:

(A) A description of the discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) The steps being taken and planned to reduce, eliminate, and prevent recurrence of the noncompliant discharge.

(c) In any enforcement proceeding, the user seeking to establish the affirmative defense of an upset shall have the burden of proving an upset by the greater weight of the evidence.

(d) Users will have an opportunity for an adjudicatory hearing in accordance with § 18-615(3) of this ordinance on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) Whenever there is a loss of power to a facility, the user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of power at a facility until power is restored to the facility or an alternative method of treatment is provided.

(f) Bypass, as defined in § 18-601(1)(h), is prohibited, and the director may take an enforcement action against the user for bypass, unless:

(i) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, cessation of operations at the facility, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance); and

(iii) The user submitted notice of the bypass to the director.

(g) In an enforcement proceeding, the user seeking to establish the defense of bypass will have the burden of proof.

(6) Annual publication of significant noncompliance. At least annually, the director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial/commercial users that were found to be in significant noncompliance with applicable pretreatment standards and requirements, during the previous twelve (12) months. (as added by Ord. #08-139-0, Oct. 2008)

18-616. Extension of sewer service. Extensions or modifications of the wastewater system shall be accomplished in accordance with the sewer service extension policy of the city, as may be amended from time to time. (as added by Ord. #08-139-0, Oct. 2008)

18-617. Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance. (as added by Ord. #08-139-0, Oct. 2008)

18-618. Conflict. (1) Conflict with other ordinances and regulations. All other ordinances and regulations and parts of other ordinances and regulations inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict. This ordinance shall not affect any litigation or other proceedings pending at the time of its adoption.

(2) Conflict with federal, state, or local law. Nothing in this ordinance is intended to affect any requirements, including standards or prohibitions established by federal, state, or local law, so long as federal, state, or local requirements are not less stringent than the requirements set forth in this ordinance. (as added by Ord. #08-139-0, Oct. 2008)

18-619. Amendments. The city reserves the right to amend the ordinance. (as added by Ord. #08-139-0, Oct. 2008)

18-620. Requirements for oil/grit separators. (1) Gravity-type separators for the removal of oil, grit, sand, glass, entrails or other such materials likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the wastewater system are required at commercial establishments that discharge such materials. These oil/grit separators shall be of a type approved by the wastewater director and shall be located as to be readily and easily accessible for cleaning and inspection. The separators will be a minimum of one thousand (1,000) gallons in volume. All oil/grit separators shall conform to the requirements of this section and the oil/grit separator detail drawings and specifications at the end of this section. Maintenance of oil/grit separators shall be in accordance with the twenty-five percent (25%) rule and will comply with the same record keeping requirements as grease interceptors.

Also, two (2) detail drawings entitled "Oil/Grit Separator Detail (Non-Traffic Rated)" and oil/grit.

Separator detail (traffic-rated) are included at the end of section 5.08. These drawings are available in the recorder's office.

(2) New fees for operation of fats, oils, and grease program.

(a) Grease trap/interceptor and oil/grit separator annual permit fee: One hundred dollars (\$100.00);

(b) Grease trap/interceptor and oil/grit separator re-inspection fee: sixty dollars (\$60.00). The calculation of these rates is based on estimated expenses involved in performing inspections, re-inspections and completion of all data collection and reporting requirements. Calculation is attached to this ordinance. Said rates shall be added to the existing rate schedule for wastewater services and amended as necessary.

(c) All annual permit fees will be due and payable to the City of Madisonville on January 10 of each calendar year, and will be billed by the City of Madisonville to each individual permit holder and/or each individual or entity required to possess such permit. The annual permit fee to be so assessed is one hundred dollars (\$100.00) per year effective as of the date of passage of the ordinance amending this section and the cost for said annual permit fee may change from time to time as deemed necessary and proper by the City of Madisonville. The amount of the permit fee to be paid by each individual permit holder and/or each

individual or entity required to possess such permit shall be prorated in the event that such individual permit holder and/or individual or entity is not engaged in business or activity subject to this ordinance for an entire calendar year. (as added by Ord. #11-174-0, March 2011, as amended by Ord. #14-224-O, Jan. 2015)