

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. GENERAL WASTEWATER REGULATIONS.
3. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1**WATER AND SEWER SYSTEM ADMINISTRATION****SECTION**

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¹Municipal code references

Building, utility, and residential codes: title 12.

Refuse disposal: title 17.

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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 town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit, or other multiple dwelling unit shall be considered a separate dwelling.

(3) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(4) "Service line" shall consist of the pipe line extending from any water or sewer main of the town 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 town's water main, to and including the meter and meter box.

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 nonrefundable customer processing fee of as stated in the schedule of water and sewer rates determined by a vote of the board of mayor and aldermen before service is supplied. 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 town 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 town 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 town to the applicant shall be limited to the return of any service deposit made by such applicant.

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service.

18-105. Connection charges. (1) Before a new water or sewer connection is made to the town's water or sewer mains to obtain water or sewer

service, the applicant shall pay a nonrefundable water tap fee for water service and/or a nonrefundable sewer tap fee for sewer service, except as set forth in subsection (2). The amounts of these fees will be what the board has made effective at the time of service.

(2) Any applicant for residential sewer service who prepaid a tap fee for sewer service before July 1, 2018, may connect to the town's sewer system without paying the tap fee in effect at the time of the application as long as the application for sewer service and proper documentation of payment is submitted to the town by June 30, 2019. After July 1, 2019, all applicants for residential sewer service must pay the town's nonrefundable tap fee for sewer service in effect at the time of the application for sewer service is made.

(3) Water service lines will be laid by the town from its main to the appropriate water meter location at the expense of the applicant for service. The location of the town's water service line and the water meter will be determined by the town. When the town's water service line is completed, the town will own and will be responsible for the repair and maintenance the water service line from the main to, and including, the meter and meter box. The customer will own the water service line past the water meter and will be responsible for the repair and maintenance the its water service line past the meter.

(4) Sewer service lines will be laid by the town from its main to the customer's property line at the expense of the applicant for service. The location of the town's sewer service line will be determined by the town. When the town's sewer service line is completed, the town will own and will be responsible for the repair and maintenance the sewer service line from the main to the customer's property line. The customer will own the sewer service line past the customer's property line and will be responsible for the repair and maintenance its sewer service line past the customer's property line. (modified)

18-106. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by town forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-107. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town 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 board of mayor and aldermen.

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 town to make such extensions or to furnish service to any person or persons.

18-108. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

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 town. 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.

18-109. Meter tests. The town 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 town will also make tests or inspections of its meters at the request of the customer. However, if a test requested 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"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town.

18-110. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling, premises, duplex unit, apartment, or other multiple dwelling unit from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one (1) dwelling, premises, duplex unit, apartment, or other multiple dwelling unit to be served through a single service line and meter, the amount of water used by all the dwellings, premises, duplex units, apartments, or other multiple dwelling units served through a single service line and meter shall be allocated to each separate dwelling, premises, duplex unit, apartment, or other multiple dwelling unit served. The water charge of each such dwelling, premises, duplex unit, apartment, or other multiple dwelling unit thus served shall be computed just as if each such dwelling, premises, duplex unit, apartment, or other multiple dwelling unit had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling, premises, duplex unit, apartment, or other multiple dwelling unit served through a single service line meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

18-111. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) 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 ten percent (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 close of business 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 close of business.

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 town

reserves the right to render an estimated bill based on the best information available. (modified)

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The town 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; or
- (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 (1) such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and
 - (i) The amount due, including other charges;
 - (ii) The last date to avoid service termination; and
 - (iii) Notification of the customer's right to a hearing prior to service termination and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(e) 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.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a reconnection charge as stated in the schedule of water and sewer rates as determined by a vote of the board of mayor and aldermen, during regular business hours. (modified)

18-113. 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 town 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 town 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 town 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 town 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.

18-114. Access to customers' premises. The town'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 town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

18-115. Inspections. The town 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 town 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 town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

18-116. 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town 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 shall be paid by the customer.

18-117. Customer's responsibility for violations. Where the town 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.

18-118. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town.

18-119. 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 town.

All private fire hydrants shall be sealed by the town, 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 town a written notice of such occurrence.

18-120. Damages to property due to water pressure. The town 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 town's water mains.

18-121. Liability for cutoff failures. The town'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 town has failed to cut off such service.

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

(3) The town 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 town's main.

Except to the extent stated above, the town 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 town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

18-122. Restricted use of water. In times of emergencies or in times of water shortage, the town 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.

18-123. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town 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 town 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.

18-124. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance.²

¹Administrative ordinances are of record in the office of the recorder

²State law reference

Tennessee Code Annotated, § 7-35-414(b).

CHAPTER 2**GENERAL WASTEWATER REGULATIONS****SECTION**

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18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the publicly owned treatment works for the Town of Mosheim - Lick Creek Valley Sanitary Sewer System and enables the Town of Mosheim to comply with all applicable state and federal laws, including the state pretreatment requirements (Tennessee Rule 0400-4-14), the Clean Water Act (33 *United States Code* (U.S.C.) §§ 1251, *et seq.*) and the General Pretreatment Regulations (title 40 of the *Code of Federal Regulations* (CFR) part 403). The objectives of this chapter are:

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

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

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

(4) To enable the Town of Mosheim to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This chapter shall apply to all users of the publicly owned treatment works. The chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user repotting and establishes other procedures related to the connection and use of the sewer system. (Ord. #221, April 2010)

18-202. Administration. Except as otherwise provided herein, the mayor shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the mayor may be delegated by the mayor to a duly authorized Town of Mosheim employee. (Ord. #221, April 2010)

18-203. Abbreviations. The following abbreviations, when used in this chapter shall have the designated meanings.

- (1) BOD - Biochemical Oxygen Demand
- (2) BMP - Best Management Practice
- (3) BMR - Baseline Monitoring Report
- (4) CFR - Code of Federal Regulations
- (5) CIU - Categorical Industrial User
- (6) COD - Chemical Oxygen Demand
- (7) EPA - U.S. Environmental Protection Agency
- (8) gpd - gallons per day
- (9) IU - Industrial User
- (10) mg/l - milligrams per liter
- (11) NPDES - National Pollutant Discharge Elimination System
- (12) NSOT - Non-Significant Categorical Industrial User
- (13) POTW - Publicly Owned Treatment Works
- (14) RCRA - Resource Conservation and Recovery Act
- (15) SIU - Significant Industrial User
- (16) SNC - Significant Noncompliance

- (17) TSS - Total Suspended Solids
- (18) U.S.C - United States Code (Ord. #221, April 2010)

18-204. Definitions. Unless a provision explicitly states 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 Tennessee Division of Water Pollution Control Director his representative(s).

(3) "Authorized or duly authorized representative of the user."

(a) If the user is a corporation:

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

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (a) through (c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town of Mosheim.

(4) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen biochemical oxidation of organic matter under standard laboratory procedures

for five (5) days at 20 degrees (20°) Centigrade, usually expressed as a concentration (e.g., mg/l).

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-205(1) and (2) [Tennessee Rule 0400-4-14-.05(l)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

(7) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(8) "City" The Town of Mosheim, Tennessee or the town board of mayor and aldermen.

(9) "Chemical oxygen demand" or "COD." A measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

(10) "Control authority." The Town of Mosheim.

(11) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(12) "Daily maximum limit" The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(13) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator or other duly authorized official of said agency.

(14) "Existing source." Any source of discharge that is not a "new source."

(15) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(16) "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any nondomestic source.

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

(18) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; or exceeds the design capacity of the treatment works or the collection system.

(19) "Local limit." Specific discharge limits developed and enforced by the Town of Mosheim upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-4-14-.05(1)(a) and (2).

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

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

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

(23) "New source." (a) Any building structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(iii) The production or wastewater generating processes of the building, structure, faculty, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(ii) or (a)(iii) above, but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering and design studies do not constitute a contractual obligation under this paragraph.

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

(25) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town of Mosheim NPDES permit, including an increase in the magnitude or duration of a violation.

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

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

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

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

concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

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

(32) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-205.

(33) "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. § 1292), which is owned by the Town of Mosheim. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

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

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

(36) "Significant Industrial User (SIU)." Except as provided in subsections (c) and (d) of this section, a significant industrial user is:

(a) An industrial user subject to categorical pretreatment standards.

(b) An industrial user that:

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

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

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

(c) The Town of Mosheim may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless

specifically including in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the Town of Mosheim finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in section 6:14B (see Tennessee Rule 0400-4-14.12(17)), together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(d) Upon a finding that a user meeting the certain criteria in subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; the Town of Mosheim may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 0400-4-14.08(6)(f), determine that such user should not be considered a significant industrial user.

(37) "Slug load" or "slug-discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-205. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local-limits, or permit conditions.

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

(39) "The mayor." The person designated by the Town of Mosheim to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the mayor.

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

(41) "User" or "industrial user." A source of indirect discharge.

(42) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(43) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. #221, April 2010)

18-205. Prohibited discharge standards. (1) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

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

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Celsius) using the test methods specified 40 CFR 261.21;

(b) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW, including collection system, restating in interference;

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

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

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

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

(h) Trucked or hauled pollutants, except at discharge points designated by the mayor in accordance with § 14-214;

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

(j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the

treatment plant's effluent, thereby violating the Town of Mosheim's NPDES permit;

(k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(l) Storm water, surface water, ground water, roof runoff, and subsurface drainage, unless specifically authorized by the mayor;

(m) Sludges, screenings, or other residues from the pretreatment of industrial wastes, unless specifically authorized by the mayor;

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

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

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

(q) Fats, oils, or greases of animal or vegetable origin in concentrations in amounts that will cause interference or permit violations;

(r) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over twenty percent (20%) of the lower explosive limit of the meter; and/or

(s) Any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR part 261.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. #221, April 2010)

18-206. National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the mayor may impose equivalent concentration or mass limits in accordance with subsections (5) and (6) below. See 40 CFR 403.6(c).

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the mayor may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users. See 40 CFR 403.6(c)(2).

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the mayor shall impose an alternate limit in accordance with Tennessee Rule 0400-4-14-.06(5).

(4) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section. (Note: see 40 CFR 403.15.)

(a) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the Town of Mosheim. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (4)(b) below are met.

(b) Criteria. (i) Either:

(A) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(B) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(ii) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(iii) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(iv) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Town of Mosheim may waive this requirement if it finds that no environmental degradation will result.

(5) The mayor may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the mayor.

When converting such limits to concentration limits, the mayor will use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as

prohibited by § 18-210 (see 40 CFR 403.6(d)). In addition, the mayor will document how equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available. See 40 CFR 403.6(c)(7).

If the mayor chooses to establish equivalent mass limits:

(a) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) Upon notification of revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (4) of this rule. The industrial user must also be in compliance with § 14-215.

(6) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived. See 40 CFR 403.6(c)(7).

(7) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. See 40 CFR 403.6(c)(8).

(8) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the mayor within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the mayor of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. See 40 CFR 403.6(c)(9). (Ord. #221, April 2010)

18-207. State pretreatment standards. Users must comply with the State of Tennessee's pretreatment standards (0400-4-14). (Ord. #221, April 2010)

18-208. Local limits. (1) The mayor is authorized to establish local limits pursuant to Tennessee Rule 0400-4-14-.05(3).

(2) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following monthly average parameter and daily maximum parameter. Any wastewater containing in excess of the "surcharge limit" but less than the monthly and daily limits are not in violation but will be charged a "surcharge fee" by the Town of Mosheim as part of their user rates.

Limitations on wastewater pollutant concentrations (all values in mg/l unless specified).

<i>Parameter</i>	<i>Surcharge Limit</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>MDL</i>
Aluminum		13.46 mg/l	37.52 mg/l	
Ammonia nitrogen		40 mg/l	40 mg/l	0.10
Antimony		1.0	1.5	.0010
Arsenic		0.098	0.148	.0010
Biochemical oxygen demand	250 mg/l	2,000 mg/l	2,000 mg/l	5.0
Boron		2.0	3.0	.0010
Cadmium		0.0152	0.0228	.00050
Chemical oxygen demand	400 mg/l	3,000 mg/l	3,000 mg/l	20
Chlorinated hydrocarbons		10.0	15.0	.0010
Chromium, total		0.606	0.9092	.0010
Copper		0.531	0.7962	.0010
Cyanide		0.6958	1.043	.0050
Grease and oil, total	100 mg/l	100 mg/l	100 mg/l	1.0
Lead		0.2827	0.424	.0010
Maximum pH		9.5 units	9.5 units	
Mercury		0.0015	0.0023	.00020
Minimum pH		5.5 units	5.5 units	
Nickel		1.8152	2.7198	.0010

<i>Parameter</i>	<i>Surcharge Limit</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>MDL</i>
Non-biodegradable TD solids		5,000	5,000	1.0
Phenols, total		10.0	15.0	.040
Selenium		0.179	0.262	.0010
Silver		0.0655	0.0983	.00050
Surface active agents, MBAS		40.0	60.0	0.40
Temperature-maximum (degrees C)			40	
Total suspended solids	400 mg/l	2,000 mg/l	2,000 mg/l	1.0
Zinc		1.63	2.44	.010

Production rate effluent limits are applicable per 40 CFR 467.36

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The mayor may impose mass limitations in addition to the concentration-based limitations above.

Total Toxic Organics: (TTOs) limits will be considered on an individual case basis by the mayor for those not regulated by applicable section of 40 CFR for categorical and/or non-categorical industries.

(3) The mayor may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-205. (Ord. #221, April 2010; as amended by Ord. #226, March 2011, modified)

18-209. Town of Mosheim's right of revision. The Town of Mosheim reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purposed of this chapter. (Ord. #221, April 2010)

18-210. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The mayor may impose mass limitations on users who are using dilution to meet

applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. #221, April 2010)

18-211. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-205 within the time limitations specified by EPA, the state, or the mayor, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the mayor for review, and shall be acceptable to the mayor before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town of Mosheim under the provisions of this chapter. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice in the State of Tennessee. (Ord. #221, April 2010)

18-212. Additional pretreatment measures. (1) Whenever deemed necessary, the mayor may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary, to protect the POTW and determine the user's compliance with the requirements of this chapter.

(2) The mayor may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the mayor, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the mayor, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense. This shall be done as often as necessary to meet the discharge limits and other applicable provisions of this chapter. Maintenance records are to be kept by the user and available to be reviewed by the mayor upon request.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. #221, April 2010)

18-213. Accidental discharge/slug discharge control plans. The mayor shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The mayor may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the mayor may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the mayor of any accidental or slug discharge, as required by § 18-235; and
- (4) 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 plant site runoff, worker training, building of containment structures or equipment; measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. #221, April 2010)

18-214. Hauled wastewater. (1) Septic tank waste may be introduced into the POTW only at locations designated by the mayor, and at such times as are established by the mayor. Such waste shall not violate §§ 18-205 through 18-210 or any other requirements established by the Town of Mosheim. The mayor may require septic tank waste haulers to obtain individual wastewater discharge permits.

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

(3) Industrial waste haulers may discharge loads only at locations designated by the mayor. No load may be discharged without prior consent of the mayor. The mayor may collect samples of each hauled load to ensure compliance with applicable standards. The mayor may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste; and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. #221, April 2010)

18-215. By-pass. (1) Definitions. (a) By-pass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a by-pass. Severe property damage does not mean economic loss caused by delays in production.

(2) By-pass not violating applicable pretreatment standards or requirements. An industrial user may allow any by-pass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These by-passes are not subject to the provisions of subsections (3) and (4) below.

(3) Notice. (a) If an industrial user knows in advance of the need for a by-pass, it shall submit prior notice to the Town of Mosheim; if possible at least ten (10) days before the date of the by-pass.

(b) An industrial user shall submit oral notice of an unanticipated by-pass that exceeds applicable pretreatment standards to the town within twenty-four (24) hours from the time the industrial user becomes aware of the by-pass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the by-pass. The written submission shall contain a description of the by-pass and its cause; the duration of the by-pass, including exact dates and times, and, if the by-pass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the by-pass. The town may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Prohibition of by-pass. (a) By-pass is prohibited, and the town may take enforcement action against an industrial user for a by-pass, unless:

(i) By-pass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the by-pass, such as the use of auxiliary treatment facilities, retention of untreated wastes, 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 by-pass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The industrial user submitted notices as required under subsection (3) above.

(b) The town may approve an anticipated by-pass, after considering its adverse effects, if the town determines that it will meet the three (3) conditions listed in subsection (4)(a) above. (Ord. #221, April 2010)

18-216. Wastewater analysis. When requested by the mayor, a user or a proposed user applying for sewer service must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The mayor is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. #221, April 2010)

18-217. Individual wastewater discharge permit requirement.

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the mayor, except that a significant industrial user that has filed a timely application pursuant to § 18-218 may continue to discharge for the time period specified therein.

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

(3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-247 through 18-254 and §§ 18-259 through 18-267. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. #221, April 2010)

18-218. Individual wastewater discharge permitting: existing connections. Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the mayor for an individual wastewater discharge permit in accordance with § 18-220, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit issued by the mayor. (Ord. #221, April 2010)

18-219. Individual wastewater discharge permitting: new connections. All new nonresidential customers who desire to connect to the Lick Creek Valley Sanitary Sewer System must submit an application on form furnished by the Town of Mosheim. Based on the application information (and other applicable information), the Town of Mosheim will determine if an

individual discharge permit for discharge is required. The application is to be submitted at least sixty (60) days prior to discharge.

Any nonresidential user who is determined to be a "significant industrial user" is required to obtain an individual wastewater discharge permit who proposed to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 18-220, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence. Any user determined to be a "non-significant categorical industrial user" may be required to submit periodic reports but may not be issued an "individual wastewater discharge permit" per § 18-204(36). (Ord. #221, April 2010)

18-220. Permit application contents (including individual wastewater discharge permit applications). (1) All new nonresidential users must submit a permit application to the Town of Mosheim on the form provided by the town per § 18-219. All users required to obtain an individual wastewater discharge permit (new-connections and renewals) must also submit a permit application on form provided. A permit application form is available at the office of the mayor. The mayor may require users to submit all or some of the following information as part of a permit application:

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

appurtenances by size, location, and elevation, and all points of discharge.

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by the permit.

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams, as necessary, to allow use of the combined wastestream formula set out in § 18-206(3) (Tennessee Rule 0400-4-14-.06(5)).

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

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

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

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-238. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the mayor or the applicable standards to determine compliance with the standard.

(v) Sampling must be performed in accordance with procedures set out in § 18-239.

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 18-233(2). Refer to Tennessee Rule 0400-4-14-12(5)(b).

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

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. #221, April 2010)

18-221. Application signatories and certifications. (1) All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 18-242(1).

(2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the

requirements of this section must be submitted to mayor prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the mayor pursuant to § 18-204(36) must annually submit the signed certification statement in § 18-242(2). See 40 CFR 403.3(v)(2). (Ord. #221, April 2010)

18-222. Individual wastewater discharge permit decisions. The mayor will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the mayor will determine whether to issue an individual wastewater discharge permit. The mayor may deny any application for an individual wastewater discharge permit. (Ord. #221, April 2010)

18-223. Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for a specified time period; not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of mayor. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. #221, April 2010)

18-224. Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the mayor to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Town of Mosheim in accordance with § 18-226, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including best management practices, based on applicable pretreatment standards;

(d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-233(2).

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

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

(h) Any grant of the monitoring waiver by the mayor (§ 18-233(2)) must be included as a condition in the user's permit.

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

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

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

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

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

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

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

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

(h) Other conditions as deemed appropriate by the mayor to ensure compliance with this chapter, and state, and federal laws, rules, and regulations. (Ord. #221, April 2010)

18-225. Permit modification. (1) The mayor may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the Town of Mosheim's POTW, Town of Mosheim's personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-4-14-.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-226. (Ord. #221, April 2010)

18-226. Individual wastewater discharge permit transfer.

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the mayor and the mayor approves the individual wastewater discharge permit transfer. The notice to the mayor must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer. (Ord. #221, April 2010)

18-227. Individual wastewater discharge permit revocation. The mayor may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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

- (2) Failure to provide prior notification to the mayor of changed conditions, pursuant to § 18-234;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the mayor timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user. (Ord. #221, April 2010)

18-228. Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application in accordance with § 18-220, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit. (Ord. #221, April 2010)

18-229. Regulation of waste received from other jurisdictions. The Town of Mosheim will issue individual discharge permits, where applicable, to all users who discharge waste that is treated by the Lick Creek Valley Wastewater Treatment Plant that the mayor determines is a "significant industrial user." Other required reporting, periodic applications, and other information required from users per this chapter are also applicable to all users who discharge waste being treated at the Lick Creek Valley Wastewater Treatment Plant. Users may be outside the corporate limits of the Town of Mosheim (extrajurisdictional dischargers). This chapter is applicable to all users of system regardless of jurisdictional location. (Ord. #221, April 2010)

18-230. Baseline monitoring reports. (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under

Tennessee Rule 0400-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the mayor a report which contains the information listed in subsection (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the mayor a report which contains the information listed in subsection (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(a) All information required in § 18-220(1)(a)(i), § 18-220(1)(b), § 18-220(1)(c)(i), and § 18-220(1)(f). See 40 CFR 403.12(b)(1)-(7).

(b) Measurement of pollutants. (i) The user shall provide the information required in § 18-220(1)(g)(i) through (iv).

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

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-4-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(iv) Sampling and analysis shall be performed in accordance with § 18-238.

(v) The mayor may allow the submission of a baseline report which utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(vi) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative, as defined in § 18-204(3), and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional

Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-231.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-242(1) and signed by an authorized representative as defined in § 18-204(7). (Ord. #221, April 2010)

18-231. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-230(2)(d).

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

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

(4) In no event shall more than nine (9) months elapse between such progress reports to the mayor. (Ord. #221, April 2010)

18-232. Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the mayor a report containing the information described in § 18-220(1)(f) and (g) and § 18-230(2)(b). For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-206, (see 40 CFR 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 § 18-242(1). All sampling will be done in conformance with § 18-239. (Ord. #221, April 2010)

18-233. Periodic compliance reports. (1) All significant industrial users must, at a frequency determined by the mayor, submit no less than twice per year (April 15 and October 15) reports (per individual discharge permits) indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard require compliance with a Best Management Practice (BMP) or pollution prevention alternate, the user must submit documentation required by the mayor or the pretreatment standard necessary to determine the compliance status of the user.

All non-significant categorical users must submit a report once per year (April 15) per § 18-204(36).

(2) The Town of Mosheim may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. (See Tennessee Rule 0400-4-14-.12(5)(b)). This authorization is subject to the following conditions:

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

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 18-220(1)(h).

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

(d) The request for a monitoring waiver must be signed in accordance with § 18-204(3), and include the certification statement in 6.13A Tennessee Rule 0400-4-14-.06(1)(b)(2).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved

method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the mayor must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the mayor for three (3) years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the mayor, the industrial user must certify on each report with the statement in § 18-242(3), that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of § 18-233(1), or other more frequent monitoring requirements imposed by the mayor and notify the mayor.

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

(3) All periodic compliance reports must be signed and certified in accordance with § 18-242(1).

(4) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim the sample results are unrepresentative of its discharge.

(5) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the mayor, using the procedures prescribed in § 18-239, the results of this monitoring shall be included in the report. See 40 CFR 403.12(g)(6). (Ord. #221, April 2010)

18-234. Reports of changed conditions. Each user must notify the mayor of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(1) The mayor may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-220.

(2) The mayor may issue an individual wastewater discharge permit under § 18-228 or modify an existing wastewater discharge permit under § 18-225 in response to changed conditions or anticipated changed conditions. (Ord. #221, April 2010)

18-235. Reports of potential problems. (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the mayor of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the mayor, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

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

(4) Significant industrial users are required to notify the mayor immediately of any changes at its facility affecting the potential for a slug discharge. (Ord. #221, April 2010)

18-236. Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the mayor as the mayor may require. (Ord. #221, April 2010)

18-237. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the mayor 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 mayor within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the Town of Mosheim performs sampling at the user's facility at least once a month, or if the Town of Mosheim performs sampling at the user between the time when the initial sampling was conducted and the time when the user or Town of Mosheim receives the results of this sampling, or if the Town of Mosheim has performed the sampling and analysis in lieu of industrial user.

If the Town of Mosheim performed the sampling and analysis in lieu of the industrial user, the Town of Mosheim will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. See 40 CFR 403.12(g)(2). (Ord. #221, April 2010)

18-238. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question; or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the mayor or other parties approved by EPA. (Ord. #221, April 2010)

18-239. Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. This is to be done per individual wastewater discharge permit.

(1) Except as indicated in subsections (2) and (3) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the mayor. Where time-proportional composite sampling or grab sampling is authorized by the Town of Mosheim, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town of Mosheim, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. See 40 CFR 403.12(g)(3).

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

(3) For sampling required in support of reports required in §§ 18-230 and 18-232 (Tennessee Rule 0400-4-14-.12(2) and (4)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the mayor may authorize a lower minimum. For the reports required by § 18-233 (Tennessee Rule 0400-4-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance

by with applicable pretreatment standards and requirements. See 40 CFR 403.12(g)(4). (Ord. #221, April 2010)

18-240. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, in to a mail facility serviced by the United States postal service, the date of receipt of the report shall govern. (Ord. #221, April 2010)

18-241. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-208(3). 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 Town of Mosheim, or where the user has been specifically notified of a longer retention period by the mayor. (Ord. #221, April 2010)

18-242. Certification statements. (1) Certification of permit applications, user reports, and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-221; users submitting baseline monitoring reports under § 18-230(2)(e). See 40 CFR 403.12(1). Users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-232. (See 40 CFR 403.12(d)). Users submitting periodic compliance reports required by § 18-233(1)-(3). (See 40 CFR 403.12(e) and (h)). Users submitting an initial request to forego sampling of a pollutant on the basis of § 18-233(2)(d). (See 40 CFR 403.12(e)(2)(iii)). The following certification statement must be signed by an authorized representative as defined in § 18-204:

"I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system design to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting

false information, including the possibility of fine and imprisonment for knowing violations."

(2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the mayor pursuant § 18-204(36) and § 18-221(3), (see 40 CFR 403.3(v)(2)), must annually submit the following certification statement signed in accordance with the signatory requirements in § 18-204(3) (40 CFR 403.120(1)). This certification must accompany an alternative report required by the mayor:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____, to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in § 18-204(36); (See 40 CFR 403.3(v)(2)).
- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information. _____"

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-233(2) must certify or each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user. See 40 CFR 403.12(e)(2)(v).

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing the last periodic report under § 18-233(1). (Ord. #221, April 2010)

18-243. Right of entry: inspection and sampling. The mayor shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit, or order issued hereunder. Users shall allow the mayor ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make

necessary arrangements with its security guards so that, upon presentation of suitable identification, the mayor shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

(3) The mayor may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise agreed upon by the mayor) to ensure their accuracy.

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

(5) Unreasonable delays in allowing the mayor access to the user's premises shall be violation of this chapter. (Ord. #221, April 2010)

18-244. Search warrants. If the mayor has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town of Mosheim designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of community, the mayor may seek issuance of a search warrant from the appropriate court. (Ord. #221, April 2010)

18-245. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the mayors inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the mayor, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other

effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. #221, April 2010)

18-246. Publication of users in significant noncompliance. The mayor shall publish annually, in *The Greeneville Sun* (or other newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Lick Creek Valley Sanitary Sewer), a list of the users which, at any time during the previous calendar year, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4), or (8) below) and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in §§ 18-205 through 18-210;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by §§ 18-205 through 18-210 multiplied by the applicable criteria (§ 18-204 for BOD, TSS, fats, oils and grease, and § 18-202 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 18-205 through 18-210 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the mayor determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

(6) Failure to provide within forty-five (45) days after the due date, any required report, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the mayor determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #221, April 2010)

18-247. Notification of violation. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may serve upon that user a written notice of violation. If specified in the Notice of Violation (NOV), an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the mayor by the date specified in the NOV (if applicable). Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the mayor to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. #221, April 2010)

18-248. Consent orders. The mayor may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 18-250 and 18-251 and shall be judicially enforceable. (Ord. #221, April 2010)

18-249. Show cause hearing. The mayor may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the mayor and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the 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 fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-204(3) and required by § 18-221(1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-250. Compliance orders. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual

wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-251. Cease and desist orders. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the mayor may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-252. Administrative penalties. (1) When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement, the mayor may issue a penalty to user per the Town of Mosheim's Enforcement Response Plan.

(2) Unpaid charges and penalties shall, after sixty (60) calendar days, be assessed interest at a rate thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the user's property may be sought for unpaid charges and penalties.

(3) Users desiring to dispute such penalties must file a written request for the mayor to reconsider the penalty along with full payment of the penalty amount within ten (10) days of being notified of the penalty. Where a request has merit, the mayor may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The mayor may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(4) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other, action against the user. (Ord. #221, April 2010)

18-253. Emergency suspensions. The mayor may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The mayor may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the mayor may take such steps as deemed necessary; including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The mayor may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the mayor that the period of endangerment has passed, unless the termination proceedings in § 18-254 are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the mayor prior to the date of any show cause or termination hearing under §§ 18-249 through 18-254.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. #221, April 2010)

18-254. Termination of discharge. In addition to the provisions in § 18-227, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of individual wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in §§ 18-205 through 18-210.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-249 why the proposed action should not be taken. Exercise of this option by the mayor shall not be a bar to,

or a prerequisite for, taking any other action against the user. (Ord. #221, April 2010)

18-255. Injunctive relief. When the mayor finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the mayor may petition the appropriate court through the Town of Mosheim's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The mayor may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against user. (Ord. #221, April 2010)

18-256. Civil penalties. (1) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Mosheim civil penalties per the Town of Mosheim's Enforcement Response Plan. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The mayor may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town of Mosheim.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. #221, April 2010)

18-257. Criminal prosecution. (1) A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be prosecuted (initiated by the Town of Mosheim) for such violations.

(2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage may be prosecuted (initiated by the Town of Mosheim) for such violations. This penalty may be in

addition to any other cause of action for personal injury or property damage available under state law.

(3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter may be prosecuted (initiated by the Town of Mosheim) for such violations. (Ord. #221, April 2010)

18-258. Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The mayor may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town of Mosheim's Enforcement Response Plan. However, the mayor may take other action against any user when the circumstances warrant. Further, the mayor is empowered to take more than one (1) enforcement action against a noncompliant user. (Ord. #221, April 2010)

18-259. Availability. At such time as a sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made within thirty (30) days to the public sewer. The sewer shall be considered available when the first floor of the building above or on ground level can be served by the sewer line in accordance with the Town of Mosheim's rules and regulations and general practice. When sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after sewer is accepted by the Town of Mosheim. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the mayor for cause. Private disposal systems will not be approved if sewer is determined to be available by the town. (Ord. #221, April 2010)

18-260. Connections. (1) All pipe, installation, and testing shall be in accordance with all current applicable local, county, and state building codes in effect in jurisdiction where work is being performed.

(2) Before excavating for sewer service, a permit must be obtained from the Town of Mosheim. A tap fee is required and must be paid in full before the permit is issued. The town will set the tap fee amounts. In cases where there are multiple units in one building (such as an apartment building) each unit will be accessed a tap fee. It is the responsibility of the owner, builder, or contractor to ascertain that at the building is placed on proper grade and location to be serviced by the existing sewer lines, before excavation is started. The town will

make a determination the property can be served by either pressure sewer or gravity sewer. The inside plumbing must be completed and laid outside of the building before the sewer tap will be made, and then must be attached immediately to the sewer lateral.

(3) Initial connections to mains and trunk line sewers are to be made into a wye connector or other connection provided in line. If for any reason a wye connector or other connection is not available, the connection to main or trunk will be made by the Town of Mosheim.

(4) The building sewer lines shall be constructed of new materials, be laid per pipe manufacturer's directions, and be in a trench with no other utilities.

(5) Only one (1) building can be connected to each tap.

(6) Building sewers (for connection to gravity sewers) shall conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

(b) All joints and connections shall be made watertight.

(c) The building sewer shall be laid at uniform grade on a continuous firm base and in straight alignment insofar as possible. A clean-out shall be provided outside and within five feet (5') of the wall, and be properly plugged. No bends greater than forty-five (45) degrees will be permitted.

(d) Four inch (4") building sewers shall be laid on a grade greater than or equal to one-eighth inch (1/8") per linear foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second.

(e) The interior of each length of pipe shall be made perfectly clean and free from off-sets, fins, and projections before the next length is connected.

(f) Building sewers shall not be constructed closer than five feet (5') to any exterior wall, cellar, basement, or cistern, and depth shall be sufficient to afford protection from frost.

(g) Waste, gas service, electric service, and building storm sewers, shall not be laid in the same trench as the building sanitary sewer.

(7) Building sewers (for connection to pressure sewer).

(a) The owner is required to furnish two hundred twenty (220) volts (20 amp, 2-pole breaker) of electrical service to the outside wall closest to the grinder pump. Wire must be a minimum 2-12 gauge with ground. Power must be left on year round whether the property is occupied or not.

(b) The property owner will construct a four inch (4") lateral from his home and connect it to the grinder pump unit. See § 18-260(4) for construction methods.

(c) The Town of Mosheim will own, furnish, install, and maintain grinder pump unit.

(d) If a second home is added to the grinder pump by the town, the town may consider a discount in sewer bill for the home providing the electrical service.

(8) **Materials.** Building sewers shall be constructed of a size not less than four inches (4"), nominal internal diameter, and shall be of the materials listed below or other suitable material that is approved by the Town of Mosheim.

(a) Cast iron pipe - A.S.T.M. specifications A74-42; cast iron solid pipe and fittings.

(b) Plastic pipe - minimum wall thickness for all plastic, pipe is 0.187" schedule 40 and meet A.S.T.M. specifications. Polyvinal Chloride (PVC) extra strength - cemented joints; Acrylonitrik - Butadiene - Styrene (ABS) - sewer pipe and fittings - extra strength - cemented joints.

(9) All pipe installation and testing shall be in accordance with all current applicable local, county, and state plumbing codes.

(10) A backwater check valve shall be installed in each building sewer where the mayor or engineer for the Town of Mosheim determines that it is necessary or desirable. (Ord. #221, April 2010)

18-261. Inspection of lines. The sewer laterals from the building to the sewer main line must be inspected by an inspector of the Town of Mosheim before any underground portion is covered. The town is to be contacted twenty-four (24) hours ahead of anticipated time of required inspection. (Ord. #221, April 2010)

18-262. Connection to main. The building sewer lines shall be connected to the main sewer line by the Town of Mosheim. Property owners or contractors shall not make connections to the sewer system. Tap fee must be paid before connection will be made. (Ord. #221, April 2010)

18-263. Use and maintenance of sewer laterals. Sewer laterals that have been previously used but have been abandoned due to the razing of a building structure may be used in connection with new buildings only when they are found, on examination and test by the mayor, to meet all requirements of this chapter. All others must be sealed to the specifications of the Town of Mosheim. Each individual property owner or user of the wastewater control facilities shall be entirely responsible for the maintenance of the sewer lateral located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the mayor to meet specifications of the Town of Mosheim. Refer to §§ 18-205 through 18-210 for prohibited discharges. The user is to avoid discharges that cause damage to the sewer or environment or that causes problems in pump stations, clogs lines, etc. This may include disposable diapers, sanitary napkins, plastic tampon containers, articles

of clothing, rubber goods, gravel, oils, grease, storm water, cistern overflow, etc. In case of power failures, the users should avoid laundry, bathing, and toilet flushing as much as possible. The users served by pressure sewer should notify the town if the alarm light on the pump that serves them is on (indicating a problem). Any pump station, manhole, etc. are not to be covered with dirt or other material as to limit access. (Ord. #221, April 2010)

18-264. Private wastewater disposal. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of § 18-267. When utilizing a private wastewater disposal system, approval by the Town of Mosheim and the State of Tennessee must be granted before construction or reconstruction is commenced. (Ord. #221, April 2010)

18-265. Interruption of service. The Town of Mosheim shall not be liable for any damage resulting from failure of overflow of any sewer main, service pipes, or valves, or by discontinuing the operation of its wastewater collections, treatment, and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment, and disposal facilities from any cause whatsoever. In cases of emergency, the Town of Mosheim shall have the right to restrict the use of its wastewater collection, treatment, and disposal facilities in any reasonable manner for the protection of the Town of Mosheim and the wastewater control system. (Ord. #221, April 2010)

18-266. Discontinuance of service and refusal to connect service. The mayor shall, after written notice, and allowance of a reasonable time for remedial action, have the right to discontinue service or to refuse to render services for a violation of, or failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the Town of Mosheim. Such right to discontinue service shall apply to all service received through a single tap or service; even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant. Discontinuance of service by the mayor for any cause stated in this chapter shall not release the customer from liability for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The mayor shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment, or dwelling unit to which such service is to be furnished, in default in the payment of any obligation to the Town of Mosheim or has heretofore had his service disconnected because of a violation of this chapter or the rules and regulations of the Town of Mosheim. (Ord. #221, April 2010)

18-267. Private domestic wastewater disposal system. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the mayor and the State of Tennessee after making such tests and examinations of the site as are deemed essential to determine if the soil absorption, topography, drainage area, etc. are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drain fields must be approved by the State of Tennessee and then submitted to the Town of Mosheim for review and written approval by the mayor. (Ord. #221, April 2010)

18-268. General. All users must pay rates set by the Town of Mosheim Board of Mayor and Aldermen including tap fees, basic user rates, surcharges, fees for pretreatment and all other fees set by the town board. (Ord. #221, April 2010)

18-269. Pretreatment charges and fees. The Town of Mosheim may adopt reasonable fees for reimbursement of costs of setting up an operating the Town of Mosheim's Pretreatment Program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Fees to recover administrative and legal costs associated with the enforcement activity taken by the mayor to address IU noncompliance; and
- (6) Other fees as the Town of Mosheim may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by th Town of Mosheim. (Ord. #221, April 2010)

18-270. Maintenance fees. In addition to fee, fines, and penalties stated in other sections of this document, the town may access a fee for cleaning and/or repairing the system against a property for unclogging lines, damages, etc. for multiple service calls required because of discharges made by a customer. (Ord. #221, April 2010)

18-271. Easements. The mayor and his representatives, bearing proper credentials and identification, shall be permitted to enter all private properties through which public sewer lines are located and thus holds an easement for the

purpose of inspection, observations, measurements, sampling, repairing, operations, and maintenance. (Ord. #221, April 2010)

18-272. Sewer extensions and improvements. All extensions, modifications, and improvements made to the sewer collection system and/or treatment plant shall be done in accordance with the State of Tennessee Department of Environment and Conservation regulations and meet the approval of the mayor. (Ord. #221, April 2010)

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 and penalty.

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

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

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

(3) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(4) "Inter-connection." 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 sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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

(6) "Public water supply." The system of furnishing water to the Town of Mosheim for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #18, March 1976)

¹Municipal code reference

Plumbing and related codes: title 12.

18-302. Standards. The Mosheim Public Water Supply is to comply with *Tennessee Code Annotated*, §§ 53-2001 and 53-2004 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, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (Ord. #18, March 1976)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass, or inter-connection is at all times under the direct supervision of the Waterworks Superintendent of the Town of Mosheim. (Ord. #18, March 1976)

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 waterworks superintendent of the Town of Mosheim a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #18, March 1976)

18-305. Inspections required. It shall be the duty of the Town of Mosheim 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 reinspections based on potential health hazards involved shall be as established by the waterworks superintendent of the Town of Mosheim and as approved by the Tennessee Department of Public Health. (Ord. #18, March 1976)

18-306. Right of entry for inspections. The waterworks superintendent or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Mosheim public water supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-connections. 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. (Ord. #18, March 1976)

18-307. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections 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 waterworks superintendent of the Town of Mosheim. (Ord. #18, March 1976)

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 official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The waterworks superintendent of the Town of Mosheim, 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 devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the waterworks superintendent of the Town of Mosheim prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the waterworks superintendent 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 only one (1) unit is installed and the continuance of service is critical, the waterworks superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The

water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the waterworks superintendent of the Town of Mosheim. (Ord. #18, March 1976)

18-309. Unpotable water to be labeled. The potable water supply made available on the properties served by the public water supply 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

Minimum acceptable sign shall have black letters one inch (1") high located on a red background. (Ord. #18, March 1976)

18-310. Violations and penalty. 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 not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Waterworks Superintendent of the Town of Mosheim shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #18, March 1976)