

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
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5. SEWER BILLING AND COLLECTION.
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#### CHAPTER 1

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>2</sup>

#### SECTION

- 18-101. Definitions.
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**18-101. Definitions.** The following definitions shall apply in the interpretation of this chapter:

- (1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (2) "Human excreta." The bowel and kidney discharges of human beings.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.  
Refuse disposal: title 17.

<sup>2</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

(3) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. 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, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(4) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(6) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1977 Code, § 8-301)

**18-102. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1977 Code, § 8-302)

**18-103. When a septic tank shall be used.** Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1977 Code, § 8-304)

**18-104. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1977 Code, § 8-305)

**18-105. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1977 Code, § 8-306)

**18-106. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1977 Code, § 8-307)

**18-107. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner, to provide such facilities. (1977 Code, § 8-308)

**18-108. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1977 Code, § 8-309)

**18-109. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1977 Code, § 8-310)

**18-110. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1977 Code, § 8-311)

**18-111. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1977 Code, § 8-312)

**18-112. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1977 Code, § 8-313)

**18-113. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1977 Code, § 8-314)

**18-114. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1977 Code, § 8-315)

## CHAPTER 2

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.

**18-201. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

(2) "Cross-connection." Any physical arrangement 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 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.

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

(4) "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.

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1977 Code, § 8-401)

**18-202. Regulated.** 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

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

of same have been approved by the Tennessee Department of Health, and the operation of such cross-connection, auxiliary intake, by-pass or interconnection is at all times under the direct supervision of the Mayor of the City of Ridgetop, Tennessee. (1977 Code, § 8-402)

**18-203. 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 insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the mayor, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the mayor. (1977 Code, § 8-403)

**18-204. Violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the mayor. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the mayor 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 interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1977 Code, § 8-404)

**CHAPTER 3****WATER****SECTION**

18-301. To be furnished under franchise.

**18-301. To be furnished under franchise.** The public water supply shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the city, its inhabitants, and the grantees of the franchises shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup> (1977 Code, § 13-101)

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<sup>1</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 4

### SEWER USE ORDINANCE

#### SECTION

- 18-401. Definitions.
- 18-402. Sewer system use regulations.
- 18-403. Industrial waste discharges.
- 18-404. Private sewage disposal systems.

**18-401. Definitions.** 1. In general. a. For purposes of this chapter, the following phrases and words shall have the meanings assigned below, except in the instances where the context clearly indicates a different meaning.

b. Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Prior code § 40-1-5 (a) (part), (c)).

2. Abbreviations. The following abbreviations shall have the following meanings:

- "BOD" means biochemical oxygen demand.
- "CFR" means Code of Federal Regulations.
- "COD" means chemical oxygen demand.
- "EPA" means Environmental Protection Agency.
- "GMP" means good management practices.
- "l" means liter.
- "MBAS" means methylene-blue-active substances.
- "mg" means milligram.
- "mg/l" means milligrams per liter.
- "NPDES" means national pollutant discharge elimination system.
- "POTW" means publicly owned treatment works.
- "SIC" means standard industrial classification.
- "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- "U.S.C." means United States Code. (Prior code § 40-1-5(b)).

3. "Act or the Act." Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Prior code § 40-1-5(a)(1)).

4. "Approval authority." Approval authority means the state director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program. (Prior code § 40-1-5(a)(2)).



5. "Authority." Authority means City of Ridgetop. (Prior code § 40-1-5(a)(3)).

6. "Authorized representative of industrial user." An authorized representative of an industrial user may be:

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

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

c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates. (Prior code § 40-1-5(a)(4)).

7. "Building sewer." Building sewer means a sewer conveying wastewater from the premises of a user to a community sewer. (Prior code § 40-1-5(a)(5)).

8. "Categorical standards." Categorical standards means national pretreatment standards. (Prior code § 40-1-5(a)(6)).

9. "Community sewer." Community sewer means any sewer containing wastewater from more than one premises. (Prior code § 40-1-5(a)(7)).

10. "Compatible pollutant." Compatible pollutant means biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. (Prior code § 40-1-5(a)(8)).

11. "Control authority." The term control authority shall refer to the approval authority defined in § 18-401(4) or the director of the metropolitan department of water and sewerage services if Metro has an approved pretreatment program under the provisions of 40 CFR 403.11. (Prior code § 40-1-5(a)(9)).

12. "Direct discharge." Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state of Tennessee. (Prior code § 40-1-5(a)(10)).

13. "Director." Director means the director of the City of Ridgetop.

14. "Domestic sewage." Domestic sewage means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

BOD <sub>5</sub>	300 mg/l
COD	500 mg/l
Suspended solids	325 mg/l
Ammonia nitrogen	30 mg/l
pH	6.0-9.0

Oil and grease 50 mg/l  
(Prior code § 40-1-5(a)(12)).

15. "Environmental Protection Agency." Environmental Protection Agency or EPA means the Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency. (Prior code § 40-1-5(a)(13)).

16. "Grab sample." Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. (Prior code § 40-1-5(a)(14)).

17. "Holding tank waste." Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks. (Prior code § 40-1-5(a)(15)).

18. "Incompatible pollutant." Incompatible pollutant means all pollutants other than compatible pollutants as defined in section (10) of this chapter. (Prior code § 40-1-5(a)(16)).

19. "Indirect discharge." Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state. (Prior code § 40-1-5(a)(17)).

20. "Industrial user." Industrial user means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of this Act. This term shall also include all dischargers of wastes having characteristics other than those of domestic sewage as defined in § 18-401(14). (Prior code § 40-1-5(a)(18)).

21. "Interference." Interference means inhibition or disruption of the sewer system, treatment processes or operations or which contributes to a violation of any requirement of Metro's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POT.W. (Prior code § 40-1-5(a)(19)).

22. "Mass emission rate." Mass emission rate means the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents. (Prior code § 40-1-5(a)(20)).

23. "Maximum concentration." Maximum concentration means the maximum amount of a specified pollutant in a volume of water or wastewater. (Prior code § 40-1-5(a)(21)).

24. "Metro." Metro means the metropolitan government of Nashville and Davidson County, Tennessee. (Prior code § 40-1-5(a)(22)).

25. National pollution discharge elimination system permit." National pollution discharge elimination system or NPDES permit means a permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342). (Prior code § 40-1-5(a)(25)).

26. "National pretreatment standards." National pretreatment standards or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. (Prior code § 40-1-5(a)(23)).

27. "New source." New source means any source the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty days after proposal, a new source means any source the construction of which is commenced after the date of promulgation of the standard. (Prior code § 40-1-5(a)(24)).

28. "Person." Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. (Prior code § 40-1-5(a)(26)).

29. "Pollution." Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water. (Prior code § 40-1-5(a)(27)).

30. "Premises." Premises means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the director to be a single user for purposes of receiving, using and paying for services. (Prior code § 40-1-5(a)(28)).

31. "Pretreatment." Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). (Prior code § 40-1-5(a)(29)).

32. "Pretreatment requirements." Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (Prior code § 40-1-5(a)(30)).

33. "Publicly owned treatment works." Publicly owned treatment works or POTW means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by Metro. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the metropolitan government of Nashville and Davidson County, a municipality, as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. (Prior code § 40-1-5(a)(31)).

34. "Reclaimed water." Reclaimed water means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise. (Prior code § 40-1-5(a)(32)).

35. "Standard industrial classification." Standard industrial classification means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972. (Prior code § 40-1-5(a)(33)).

36. "Toxic pollutant." Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317. (Prior code § 40-1-5(a)(34)).

37. "Treatment works." Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems. (Prior code § 40-1-5(a)(35)).

38. "Twenty-four-hour, flow proportional composite sample." Twenty-four-hour, flow proportional composite sample means a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample. (Prior code § 40-1-5(a)(36)).

39. "Unpolluted water." Unpolluted water means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the state of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters. (Prior code § 40-1-5(a)(37)).

40. "User." User means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer. (Prior code § 40-1-5(a)(38)).

41. "Waste." Waste means and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal. (Prior code § 40-1-5(a)(39)).

42. "Wastewater." Wastewater means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer. (Prior code § 40-1-5(a)(40)).

43. "Wastewater constituents and characteristics." Wastewater constituents and characteristics means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater. (Prior code § 40-1-5(a)(41)).

44. "Waters of the state of Tennessee." Waters of the state of Tennessee means any water, surface or underground, within the boundaries of the state. (Prior code § 40-1-5(a)(42)). (as added by Ord. #97-62, Sept. 1997)

**18-402. Sewer system use regulations.** 1. Compliance with plumbing code required. All connections to the public sanitary sewerage system shall be in full accord with the plumbing code or other applicable provisions of this chapter or other ordinances of the City of Ridgetop.

2. Regulation and enforcement-authority of director. The director is authorized and directed to promulgate and enforce such rules and regulations as he may deem necessary for the enforcement of this chapter and for the safe, economical and efficient management, control and protection of the government's public sanitary sewerage system, such rules and regulations to be consistent with the intent and objectives of this chapter. (Prior code § 40-1-174).

3. Connection required-existing buildings. All persons owning any occupied building now erected within the general services district, upon premises accessible to the public sanitary sewerage system, shall, if not already connected, at their own expense, make connection with the sanitary sewerage system within sixty days after notice to do so from the department. (Prior code § 40-1-175).

4. Connection required-at time of erection. All persons owning any premises within the general services district accessible to the public sanitary sewerage system, upon which a building is hereafter erected, shall, at the time of erection of such building, and at their own expense, make the connection with the public sanitary sewage system. (Prior code § 40-1-176).

5. Connection required-when sewer becomes accessible. All persons owning any occupied building within the general services district upon premises which hereafter become accessible to the public sanitary sewerage system shall, at their own expense, make the connection with the public sanitary sewerage

system within sixty days after notice to do so from the department or its authorized representative. (Prior code § 40-1-177).

6. Notice to connect-accrual of charges upon expiration of notice.

a. Within sixty days after being notified to do so in writing by the director, by means of a letter sent to either the owner or the occupant of the land by United States mail as certified or registered mail, the owner, tenant or occupant of each lot or parcel of land upon which a building exists for residential, commercial or industrial use and which lot or parcel of land either abuts upon a street or public way containing sanitary sewer or which has a sanitary sewer upon or adjoining it shall connect such building to the sanitary sewer and shall cease to use any other means for the disposal of sewage, sewage waste or other polluting matter. The sixty-day period within which the sewer connection shall be made shall begin on the date of the notice mailed to the owner or occupant of the lot or parcel of land concerned, or from the date of the postmark of such notice, whichever date is later, unless a later date is prescribed in the notice itself, in which case such later date shall be the date on which the sixty-day period shall begin.

b. When the owner or occupant of a lot or parcel of land in one of the categories described in subsection (a) of this section has been notified to connect a building or buildings on his land to a sanitary sewer, the charge for sewerage services shall begin to accrue on the day following the expiration of the sixty-day notice provided for in this section at the established rates therefor, regardless of whether the sewer connection has been made as required by the notice, and the first charge for sewerage services shall be prorated for the period from the date the charges accrue until the next date thereafter upon which the water meter is read. The charges for sewerage services which shall accrue by reason of this section shall be billed periodically by a combined water and sewerage services bill, as provided in section 15.48.060.

c. The failure to pay the combined bill for water and sewerage services shall render the bill delinquent as provided by § 18-402(23), and payment of the combined bill may be enforced by discontinuing either the water service or the sewer service or both. (Prior code § 40-1-178).

7. Privies, cesspools and sinkholes prohibited-violation constitutes a nuisance.

a. It is unlawful for any person owning any occupied building within the general services district, on premises accessible to the public sanitary sewerage system, to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage.

b. Any person who erects, constructs or maintains a privy, cesspool, sinkhole or septic tank or other receptacle for receiving sanitary sewage on any property within the general services district accessible to

the public sewerage system in violation of this section shall be deemed to be erecting, constructing and maintaining a nuisance, which nuisance the metropolitan government is authorized and directed to abate in a manner provided by law. (Prior code § 40-1-180).

8. Discharge of garbage prohibited. The discharge of garbage to the public sanitary sewerage system is prohibited, unless such garbage is properly shredded. (Prior code § 40-1-181).

9. Stormwater-runoff to sanitary sewers prohibited. The discharge of stormwater runoff to separate sanitary sewers is prohibited. (Prior code § 40-1-182).

10. Stormwater-prevention of runoff to separate sewers. All persons connecting to the public sanitary sewerage system shall provide adequate means for excluding stormwater runoff in the event connection is made to separate sanitary sewers. (Prior code § 40-1-183).

11. Stormwater-discharge to combined sewers or natural watercourses. The provisions of this chapter shall not be construed to prohibit the present or future discharge of stormwater runoff into combined sewers or directly to natural watercourses within the general services district. (Prior code § 40-1-184). (as added by Ord. #97-62, Sept. 1997)

**18-403. Industrial waste discharges.** 1. Purposes of chapter.

a. The purpose of this chapter is to set uniform requirements for users of City of Ridgetop wastewater collection system and treatment works to enable Metro to comply with the provisions of the Clean Water Act and other applicable state laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into Metro's wastewater collection system and treatment works.

b. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise incompatible with the treatment works; and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a hearing authority and

establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. (Prior code § 40-1-185).

2. Discharges to publicly owned treatment works. a. Purpose of article-specifications subject to review. This article establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in § 18-403(2)(f), and other prohibitions and limitations of this chapter, are subject to change to enable Metro to provide efficient wastewater treatment to protect the public health and the environment, and to enable Metro to meet requirements contained in its NPDES permit. The hearing authority shall review said limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost-effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the director as necessary. (Prior code § 40-1-186(a)).

b. Construction of pretreatment plants-plans-permits. Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review said plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director. (Prior code § 40-1-186(o)).

c. Construction and maintenance of pretreatment facilities. Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in sections § 18-403(2)(e), (f), and (g) to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations



contained in the user's wastewater discharge permit. (Prior code § 40-1-186(n)).

d. Compliance with national pretreatment standards required when. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard and shall also comply with any additional or more stringent limitations contained in this chapter or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard. (Prior code § 40-1-186(d)).

e. Wastewater evaluation criteria. i. The wastewater of every industrial user shall be evaluated upon the following criteria:

(1) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

(2) Wastewater causing a discoloration or any other condition in the quality of Metro's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(3) Wastewater causing conditions at or near Metro's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

(4) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for

reclamation and reuse or causing interference with the reclamation process;

(6) Wastewater having constituents and concentrations in excess of those listed in § 18-403(2)(f) or cause a violation of the limits in § 18-403(2)(h).

ii. The director shall recommend and the hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter. (Prior code § 40-1-186(c)).

f. Wastewater pollutants-maximum concentrations. No person or user shall discharge wastewater in excess of the concentration set forth in the table below unless:

i. An exception has been granted the user under the provisions of § 18-403(2)(g); or

ii. The wastewater discharge permit of the user provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

<b>Parameter</b>	<b>Maximum Concentration mg/l 24-Hour Flow Proportional Composite Sample</b>	<b>Maximum Instantaneous Concentration mg/l Grab Sample</b>
Ammonia nitrogen	30	60
BOD	300	600
COD	500	1,000
Suspended solids	325	650
Arsenic (As)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chlorinated hydrocarbons	50	100
Chromium-Total (Cr)	5.0	10.0

<b>Parameter</b>	<b>Maximum Concentration mg/l 24-Hour Flow Proportional Composite Sample</b>	<b>Maximum Instantaneous Concentration mg/l Grab Sample</b>
Chromium-Hexavalent (Cr <sup>+6</sup> )	0.05	0.10
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hb)	0.1	0.2
Nickel (Ni)	5.0	10.0
Selenium (Se)	1.0	2.0
Silver (Ag)	5.0	10.0
Zinc (Zn)	5.0	10.0
Oil and grease (freon extractable)	50.0	100.0

(Prior code § 40-1-186(l)).

g. Prohibited pollutants. i. No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

(1) Pollutants which could create a fire or explosion hazard in the POTW;

(2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

(3) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds forty degrees Celsius (one hundred four degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Celsius (one hundred fifty degrees Fahrenheit).

ii. The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to § 18-403(2)(f) and (h) or the industrial user's permit. (Prior code § 40-1-186(b)).

h. Treatment plant influent pollutants-maximum concentrations. The director shall monitor the treatment works influent for each parameter in the following table. The industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-403(2)(r), 18-403(4)(a) and (b) as to those parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but no limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

<b>Parameters</b>	<b>Maximum Concentration mg/l (24-Hour Flow) Composite Sample</b>
Ammonia nitrogen	30.0
Arsenic (As)	0.10
Boron (B)	2.0
Cadmium (Cd)	0.01
Chromium-Total (Cr)	1.5

<b>Parameters</b>	<b>Maximum Concentration mg/l (24-Hour Flow) Composite Sample</b>
Copper (Cu)	0.05
Cyanide (CN)	0.10
Iron (Fe)	5.00
Lead (Pb)	0.10
Manganese (Mn)	10.0
Mercury (Hg)	0.1
Nickel (Ni)	0.3
Phenols	4.0
Silver (Ag)	5.0
Zinc (Zn)	1.3
Chlorinated hydrocarbons	5.0
BOD	300.0
COD	500.0
Suspended solids	325.0

(Prior code § 40-1-186(m)).

i. Unpolluted stormwater prohibited-exceptions. Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof. (Prior code § 40-1-186(e)).

j. Unpolluted water prohibited-exceptions. Unpolluted water, including but not limited to cooling water on process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in § 18-403(2)(i). (Prior code § 40-1-186(f)).

k. Waste from garbage grinders prohibited-exceptions.

i. Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of

food consumed on the premises, and then only where applicable fees therefor are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

ii. This section shall not apply to domestic residences. (Prior code § 40-1-186(h)).

l. Liquid waste transport trucks-permit requirements.

i. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

ii. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

iii. Such permits shall be valid for a period of one year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

iv. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

v. The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

vi. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

vii. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit. (Prior code § 40-1-186(j)).

m. Holding tank waste-permit required when. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit

shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Prior code § 40-1-186(k)).

n. Radioactive waste prohibited-exceptions. No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

i. When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

ii. When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

iii. When a copy of permits received from said regulatory agencies have been filed with the director. (Prior code § 40-1-186(g)).

o. Direct discharge into manhole-permit required. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the user shall be required to pay applicable charges and fees therefor. (Prior code § 40-1-186(i)).

p. Accidental discharge-safeguards-special permit conditions for past offenders. i. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling area, and from diked areas or holding ponds of any waste regulated by this chapter.

ii. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special

conditions shall be developed by the user and submitted to the director for review under the provisions of § 18-403(2)(b). (Prior code § 40-1-186(p)).

q. Temporary exceptions-procedure. i. Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength parameters listed in §18-403(3) of this chapter to apply for and receive a temporary exception to the discharge level for one or more parameters.

ii. Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have been submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

iii. Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to subsection E of this section.

iv. Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty days following notification by the director to correct such deficiencies. This thirty-day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

v. Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(1) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-403(3) and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(2) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant



an exception only if such exception may be granted with the limitations of applicable federal regulations.

(3) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(4) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

(5) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by Metro or which would cause Metro to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345).

(6) The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(7) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(8) The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(9) The authority may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(10) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for

an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-403(3); however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(11) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the authority that he is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP's include but are not limited to preventative operating and maintenance procedures, schedules of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw sewage material storage.

(12) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

(13) Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-403(4)(d) shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(14) Additional cost and expense. (a) The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by Metro for transmission and treatment of such substances.

(b) The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

(c) Such charge for the BOD, suspended solids, and oil and grease will be computed using the following formula:

Surcharge (\$)/P = 8.34 X (F) X (TC) X (Pa-Pm)

Surcharge (\$) total = Surcharges of BOD<sub>5</sub> +  
suspended solids and grease

P-parameter: BOD<sub>5</sub> or suspended solids or grease.

F-flow in millions of gallons per day.

TC-treatment costs for servicing POTW per pound of  
parameter

Pa-parameter, actual.

Pm-Parameter, maximum.

(d) Charges for other pollutants will be computed on a case-by-case basis. (Prior code § 40-1-187, Part II (a)-(i)).

r. Dangerous discharge-emergency procedures.

i. Telephone notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the director immediately by telephone. In the absence of the director, notification shall be given to the Metro employee then in charge of the treatment works.

ii. Written report. Within five days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

iii. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Prior code § 40-1-188, Part II (a)-(c)).

3. Discharge permits. a. Applicability of article. The provisions of this chapter are applicable to all industrial users of the POTW. At the time of the enactment of this section, the Metropolitan Government of Nashville and Davidson County does not have an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR Section 403.3(d); and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Pretreatment Standard" as that term is defined in 40 CFR Section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards. (Prior code § 40-1-187, Part I (a)).

b. Application -requirements. All industrial users of the POTW prior to discharging nondomestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in § 18-403(3)(c). All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location and elevation; and the user shall submit to the director revised plans whenever alterations or additions to the user's premises affect said plans. Any currently connected user discharging waste other than domestic waste who has not heretofore filed such a report shall file the same with the director prior to twelve months from adoption of this chapter (October 7, 1980). All correspondence to Metro required by this chapter shall be addressed to the Industrial Compliance Section, Metro Department of Water and Sewerage Services, Central Wastewater Treatment Plant, 1600 Second Avenue, North, Nashville, Tennessee. (Prior code § 40-1-187, Part I (b)).

c. Application-report requirements. i. The report required by § 18-403(3)(b) above or other provisions of this title for all industrial users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (A) through (E) of subsection (ii) below. Industrial users subject to national pretreatment standards shall submit to the director a report which contains the information listed in subsection (ii) below within one hundred eighty days after the promulgation by the Environmental

Protection Agency of a national pretreatment standard under Section 307(b) or (c) of the Act or prior to twelve months from adoption of this title where such national pretreatment standards have been promulgated prior to the effective date of this title; provided that industrial users subject to the requirements of 40 CFR Section 403.12 may file with the director a copy of a report submitted to the "control authority," as defined in said section, in lieu of the report herein provided. Industrial users who are unable to achieve a discharge limit set forth in § 18-403(2) of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection (ii) of this section.

ii. As specified hereinabove, the report shall contain all or applicable portions of the following:

(1) The name and address of the industrial user,  
(2) The location of such industrial user,  
(3) The nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user;

(4) The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;

(5) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard; if an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the director for approval;

(6) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-401(6) and certified by a qualified professional, who shall be approved in writing by Metro, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(7) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the

shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

iii. For purposes of this section, when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user's discharging any incompatible pollutant regulated by § 18-403(2) of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-403(2) of this chapter. (Prior code § 40-1-187, Part I (c)).

d. Incomplete applications-notice to correct-denial. The director will act only on applications that are accompanied by a report which contains all the information required in § 18-403(3)(c). Persons who have filed incomplete applications will not be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty days to correct the deficiency. If the deficiency is not corrected within thirty days or within such extended period as allowed by the director, the director shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action. (Prior code § 40-1-187, Part I (d)).

e. Application-recommendation of special conditions. Upon receipt of complete applications, the director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this title and all other applicable ordinances, laws and regulations. The director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- i. Pretreatment requirements;
- ii. The average and maximum wastewater constituents and characteristics;
- iii. Limits on rate and time of discharge or requirements for flow regulations and equalization;
- iv. Requirements for installation of inspection and sampling facilities;
- v. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

vi. Requirements for submission of technical reports or discharge reports;

vii. Requirements for maintaining records relating to wastewater discharge;

viii. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-403(2) of this chapter) are proposed or present in the user's wastewater discharge;

ix. Other conditions as deemed appropriate by the director to ensure compliance with this title or other applicable ordinance law or regulation;

x. A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance;

xi. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises:

xii. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer. (Prior code § 40-1-187, Part I (e)).

f. Special permit conditions-notice to applicant-procedure to file objections. i. Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

ii. The applicant shall have forty-five days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen days following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

iii. If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided. (Prior code § 40-1-187, Part I (f)).

g. Unresolved disputes-hearing. i. In the event the director cannot issue a wastewater discharge permit pursuant to § 18-403(3)(f),

the director shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

ii. The authority shall schedule a hearing within ninety days following the meeting referred to in subsection (i) unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

iii. The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

iv. Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly. (Prior code § 40-1-187, Part I (g)).

h. Compliance schedule and reports-requirements. The following conditions shall apply to the schedule required by § 18-403(3)(c), (e) or (g) of this section:

i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

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

iii. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority and the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority and the director.



iv. Within ninety days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the control authority and the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in § 18-401(6), and certified to by a qualified professional.

v. (1) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in § 18-403(3)(c)(ii)(D). At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

(2) The control authority or the director, as applicable, may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (v)(A) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

vi. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by

§§ 18-403(2)(a) through 18-403(2)(p) of this chapter, by the industrial user.

vii. The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits where requested by the control authority or the director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

viii. Any industrial user required by this section to submit a similar report to the control authority under the provisions of 40 CFR Section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control authority. (Prior code § 40-1-187, Part I (h)).

i. Records of monitoring activities required-contents. Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include all samples:

- i. The date, exact place, method and time of sampling and the names of the persons taking the samples;
- ii. The dates analyses were performed;
- iii. Who performed the analyses;
- iv. The analytical techniques/methods used; and
- v. The results of such analyses. (Prior code § 40-1-187, Part I (i)).

j. Records of monitoring activities-retention for four years-subject to inspection. Any industrial user subject to the reporting requirements established in this article shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspections and copying by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency.

This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency. (Prior code § 40-1-187, Part I (j)).

k. Term-renewal-modifications. i. Wastewater discharge permits shall be issued for a period of three years. Original permits may be issued for a period between two and three years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to § 18-403(2)(q), shall be issued for a period of one year.

ii. Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

iii. A user must apply in writing for a renewal permit within the period of time not more than ninety days and not less than thirty days prior to expiration of the current permit.

iv. Limitations or conditions of a permit are subject to modification or change due to changes in applicable water quality standards, changes in Metro's NPDES permit, changes in § 18-403(2)(f) and (h), changes in other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director at least thirty days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter (Prior code § 40-1-187, Part I (k)).

l. Transfer-approval required. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user or for different premises unless approved by the director. (Prior code § 40-1-187, Part I (l)).

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

i. Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;

ii. Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. (Prior code § 40-1-187, Part I (m)).

4. Administration and enforcement. a. Director--authority and responsibilities.

i. Responsibilities and assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

ii. Authority. The director shall have the authority to enforce all sections of this title. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

iii. Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the Metro hearing authority.

iv. Metro hearing authority. The director shall attend all meetings of the Metro hearing authority, or whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist said authority in the administration of this title.

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

vi. The director shall comply with all applicable public participation requirements of Section 101(e) of the Act (33 U.S.C. 1251(e)) and 40 C.F.R. part 105 in the enforcement of national pretreatment standards. The director shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve months which at least once were not in compliance with the

applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of § 18-403(2)(q). (Prior code § 40-1-189).

b. Monitoring and inspections. i. Whenever required to carry out the objective of this title, including but not limited to developing or assisting in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition under this title; determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; or any requirement established under this chapter:

(1) The director shall require any industrial user to:

- (a) Establish and maintain such records;
- (b) Make such reports;
- (c) Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;
- (d) Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;
- (e) Provide such other information as he may reasonably require; and

(2) The director or his authorized representative, upon presentation of his credentials:

- (a) Shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection 1 of this section are located; and
- (b) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (A) and sample any effluents which the owner or

operator of such source is required to sample under subsection (A).

ii. Any records, reports or information obtained under this section:

(1) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

(2) Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

iii. Specific requirements under the provisions of subsection (i)(A) of this section shall be established by the director, or the authority as applicable, for each industrial user; and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review said plans within forty-five days and shall recommend to the user any change he deems appropriate.

iv. Upon approval of plans as specified in subsection (iii), the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

v. In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. (Prior code § 40-188, Part I (a)-(e)).

c. Metro hearing authority. i. There is established an authority of five members to be known as the Metro hearing authority.

ii. Composition. (1) Voting membership. The hearing authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing authority:

	<b>Representative Group</b>	<b>Length of First Term Appointment (years)</b>
(a)	Major industry (one)	1
(b)	Tributary utility districts (one, rotating)	1
(c)	Private citizenry (one)	2
(d)	Technical/science (one)	2
(e)	Financial (one)	12

(2) Ex officio membership. The following representatives shall constitute the ex officio membership of the hearing authority and shall serve a continuous term:

(a) Representative of the areawide waste treatment management plan policy committee;

(b) Representative of the Tennessee Department of Public Health Division of Water Quality Control;

(c) The director of water and sewerage services, metropolitan government, who shall serve as secretary of the hearing authority.

iii. Provisions. (1) The appointed members shall serve a first term of one or two years per subsection (ii)(A). Subsequent appointments shall be for a two-year term.

(2) Members may be removed from the hearing authority by the mayor, with councilmanic approval, for continued absence from meetings, physical disability or other just cause.

(3) The hearing authority shall convene within ten days after its appointment, at which time the chairmen and vice chairmen shall be elected from its members.

(4) Member shall comply with chapter 11, §§ 11.101 through 11.108, inclusive, of the charter of the metropolitan government.

(5) In the event of a conflict of interest involving any voting member of the hearing authority, the ex officio member from the state shall temporarily replace said voting member and assume his voting status until said conflict is adjudicated.

iv. General duties. In addition to any other duty or responsibility otherwise conferred upon the board by this title, the authority shall have the duty and power as follows:

(1) To recommend from time to time to the metropolitan council that it amend or modify the provisions of this title;

(2) To grant exceptions pursuant to the provisions of § 18-403(2)(q), and to determine such issues of law and fact as are necessary to perform this duty;

(3) To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

(4) To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(5) To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(6) To request assistance from any officer, agent or employee of the metropolitan government to obtain such information or other assistance as the authority might need;

(7) The authority acting through its chairmen shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the authority.

(8) The chairman, vice chairman or chairmen pro tem shall be authorized to administer oaths to those persons giving testimony before the authority;



(9) The authority shall hold regular meetings, normally one per calendar month, and such special meetings as the board may find necessary;

(10) Four members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day. (Prior code § 40-190, Part I (a)-(c)).

d. Adjudicatory hearing procedures. i. The Metro hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

ii. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have said hearing recorded stenographically, but in such event the record need not be transcribed unless any part seeks judicial review of the order or action of the authority by common law writ of certiorari; and in such event the parties seeking such judicial review shall pay for the transcription and provide the authority with the original of the transcript so that it may be certified to the court.

iii. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of Metro. If the witness does not reside in Metro, the chairman shall issue a written request that the witness attend the hearing.

iv. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

v. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make

such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the authority. The authority, the director, or his representative, and all parties shall have the right to examine any witness. The authority shall not be bound by or limited to rules of evidence applicable to legal proceedings.

vi. Any person aggrieved by any order or determination of the director may appeal said order or determination reviewed by the authority under the provisions of this section. A written notice of appeal shall be filed with the director and with the chairman, and said notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing said appeal. A special meeting of the authority may be called by the chairman upon the filing of such appeal, and the authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of § 18-403(4)(i) through (m) shall not be subject to review under this section.

vii. The vice chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

viii. Any person aggrieved by any final order of determination of the authority hereunder shall have judicial review by common law writ of certiorari. (Prior code § 40-190, Part II (a)-(h)).

e. Violation-public nuisance. Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided herein. (Prior code § 40-190.1, Part I (a)).

f. Violation-notice. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (Prior code § 40-190.1, Part I (b)).

g. Conciliation process. The director may, but shall not be required to, invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. Such additional meetings as the director and the user deem advisable may be held to resolve the problem. If the user and the director can agree to appropriate remedial and preventative measures, they shall commit

such agreement to writing with provisions for a reasonable compliance schedule; and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within sixty days, the director shall institute such other actions as he deems advisable to ensure the user's compliance with the provisions of this title or other law or regulation. (Prior code § 40-190.1, Part I (c)).

h. Show-cause hearing. The director may issue a show-cause notice to the user directing the user to appear before the Metro hearing authority at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the user of the general nature of the recommendations he shall make to the authority. If the director seeks to suspend or revoke the user's wastewater discharge permit, he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty days prior to the scheduled hearing date. (Prior code § 40-190.1, Part I (d)).

i. Citation to city court. The director may cite the user to the general sessions court of Davidson County for violation of any provision of this title or other ordinance. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this title. (Prior code § 40-190.1, Part I (e)).

j. Injunctive relief. Upon resolution the director shall in the name of Metro file in circuit or chancery court of Davidson County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by Metro as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by Metro. (Prior code § 40-190.1, Part I (f)).

k. Assessment of damage to user. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to Metro, the director shall assess the expenses incurred by Metro to clear the obstruction,

repair damage to the facility, and any other expenses or damages incurred by Metro. The director shall file a claim with the user or any other person causing or suffering said damages to incur, seeking reimbursement for any and all expenses or damages suffered by Metro. If the claim is ignored or denied, the director shall notify Metro's attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by Metro. (Prior code § 40-190.1, Part I (g)).

l. Applicability of state and federal regulations. In addition to other remedies for enforcement provided in this article, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. (Prior code § 40-190.1, Part I (h)).

m. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the mayor of metropolitan Nashville of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of Metro or in their absence such elected officials of Metro as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (Prior code § 40-190.1, Part I (i)).

n. Punitive action-confirmation of authority required except when. The director shall report to the authority his intent to institute any action under the provisions of §§ 18-403(4)(i),(j) and (l) and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable. (Prior code § 40-190.1, Part I (j)).

o. Violations-penalties. i. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed five hundred dollars. Each separate violation shall constitute a

separate offense and upon conviction, each day shall constitute a separate offense.

ii. In addition to any other power granted to it by this title, the Metro hearing authority is granted the authority to assess civil penalties in accordance with state law. (as added by Ord. #97-62, Sept. 1997)

**18-404. Private sewage disposal systems.** 1. Health regulations-adopted by reference. Rules and regulations of the commissioner of the Tennessee Department of Public Health, which became effective July 10, 1974, are adopted and incorporated into this chapter as regulations governing private sewage disposal systems of the metropolitan government by reference, as fully as though copied into this chapter. Where a provision of this chapter is found to be in conflict with a provision found in the rules and regulations of the metropolitan board of health, the provisions as promulgated by the commissioner of the Tennessee Department of Public Health as found in this chapter shall prevail. (Prior code, § 20-1-160.1).

2. Private connections permitted when. a. Sewage from any building or premises shall be discharged directly into the municipal sewage disposal system or into a facility connected with such municipal system, but if there is no public sewer or other part of the municipal sewage disposal system to which connection can be made from the building or premises concerned or if it is impracticable to discharge sewage from such building or premises into the municipal system, a private sewage disposal system may be used.

b. In the event any building or premises fails to connect with an available public sewer and the malfunctioning or inadequacy of the private sewage disposal system serving such building or premises gives rise to an unsanitary condition, threatening or causing a nuisance, the chief medical director or authorized personnel of the department of health shall serve written notice upon the owner, occupant or agent of the owner, of the building or premises, requiring a connection to the public sewer within a specified period of time, which shall reasonably take into consideration the circumstances of such owner, occupant or agent, but which shall primarily reflect the public health exigencies involved. Such connection shall be at the expense of the owner, occupant or agent.

c. In the event that the connection is not made within the time specified by the chief medical director or authorized personnel of the department of health, the building or premises may not be occupied pending such connection, and the owner, occupant or agent shall be guilty of a violation of this code. (Prior code § 20-1-160).

3. Temporary facilities for construction workers. Temporary sanitary facilities constructed according to regulations of the department of health shall

be provided for workers engaged in the construction of commercial, industrial or public works projects. (Prior code § 20-1-165).

4. Septic tanks-testing by department of health. Authorized personnel of the department of health shall have the right to enter upon any premises upon which is located septic tanks or drainage or disposal fields, and they shall be empowered to examine and inspect all such septic tanks and drainage and disposal fields, and to test such facilities by putting dye into the plumbing fixtures which they serve. Whenever such septic tanks, drainage or disposal fields are found to be in an unsanitary condition and to constitute a public health nuisance, the same shall be condemned upon action by the chief medical director, and the owner, occupant or agent shall put such premises in a sanitary condition and abate such nuisance within the time stated upon the written notice served upon him by the chief medical director or his authorized representative. (Prior code § 20-1-161).

5. Privies permitted when. a. Privies shall not be used in the urban services district unless the chief medical director, in writing, authorizes the construction and temporary use of a privy for a stated period. Elsewhere, privies shall only be constructed according to the regulations of the department of health.

b. No privy shall be maintained or used so as to create a nuisance or health hazard. The storage pit of any privy shall be covered and protected so as not to be exposed to the outer air. It is unlawful to pollute a well or water supply system or to discharge sewage on surface of ground level. The privy shall be protected against rodents, insects and other pests. When a privy is not longer in use, it shall be thoroughly cleansed, so that it will not cause a nuisance or health hazard, and it shall be filled in so as to prevent accidents. (Prior code § 20-1-162).

6. Runoff of contents unlawful when. It is unlawful for any person to draw off or allow to run on any ground, street or alley in the metropolitan government area the contents or any part thereof of any vault, privy, cesspool or place where animals or fowl are kept. Any person so offending or failing to comply with this section after seventy-two hours' notice from the department of health to abate the same shall be deemed guilty of a violation of this code. (Prior code § 20-1-163).

7. Discharge of waste into any body of water-permit required.

a. It is unlawful for any person to dispose of human waste, household waste, business waste or industrial waste, or to pipe or transmit sewage or effluent from any septic tank or other sewer system of any type into any stream, river, lake, pond, marsh, watercourse, waterway, well, cave, sinkhole, open ditch, spring, irrigation or drainage system, or any body or accumulation of water, surface or underground, natural or artificial, public or private, without having first obtained a permit issued by the metropolitan board of health. The board of health is authorized to promulgate such rules and regulations pertaining to the

issuance of such permit as it deems necessary to insure that the health of the residents of the metropolitan government is protected.

b. Any person violating any of the provisions of this section shall, upon a judgment of guilty thereof, be penalized not less than nor more than one hundred dollars for each offense. Each day that such condition shall exist shall constitute a separate offense. (Prior code § 20-1-164). (as added by Ord. #97-62, Sept. 1997)

## CHAPTER 5

### SEWER BILLING AND COLLECTION

#### SECTION

- 18-501. Owner responsible for sewer.
- 18-502. Schedules of rates.
- 18-503. Monthly bills.
- 18-504. Billing for sewer service not utilized.
- 18-505. Billing when meter is inoperative or inaccurate.
- 18-506. Delinquent bills.
- 18-507. Tampering with meters, reconnecting service.
- 18-508. Cash deposits for service.

**18-501. Owner responsible for sewer.** It is hereby declared the policy of the City of Ridgetop that the owner or owners of real property within the city shall be the sole party who may secure sewer service from the City of Ridgetop, and such owner or owners shall be responsible for the payment of all obligations incurred as a result of receiving sewer service from the City of Ridgetop for their property, including the payment of all monthly sewer bills and other sewer charges. Application for sewer service must be made by the owner of the property for which service is sought. (as added by Ord. #99-98, Sept. 1999)

**18-502. Schedules of rates.**<sup>1</sup> All sewer service shall be furnished under such rate schedules as the board of mayor and aldermen may from time to time adopt by appropriate ordinance. No sewer service shall be rendered free of charge to any person, firm, corporation, association, institution, church, government or entity or to the City of Ridgetop. (as added by Ord. #99-98, Sept. 1999)

**18-503. Monthly bills.** The determination of the usage for sewer service shall be by utilizing the number of gallons of water used monthly as evidenced by the reading on the water meter servicing the premises for which sewer is provided. Bills shall be rendered on a monthly basis and shall be due and payable from and after the date on which such sewer bills are rendered. The city shall have the right to read the water meters directly for the properties receiving sewer service, or may utilize meter records obtained from the water utility. (as added by Ord. #99-98, Sept. 1999)

**18-504. Billing for sewer service not utilized.** The owner of a property which has a sewer tap and has previously received sewer service shall

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<sup>1</sup>Rate schedule ordinances are of record in the recorder's office.



be responsible for the payment of the minimum base sewer bill regardless of whether sewer service is utilized during that billing month or whether the premises is occupied. (as added by Ord. #99-98, Sept. 1999)

**18-505. Billing when meter is inoperative or inaccurate.** In the event any water meter shall be found to be inoperative or grossly inaccurate for any reason, at the end of any billing period, the meter will be reported to the water utility as soon as possible, and the bill for sewer service used during the current period shall be the average of the last six months sewer bills. (as added by Ord. #99-98, Sept. 1999).

**18-506. Delinquent bills.** That any bill for sewer service that is delinquent a total of seven (7) days after rendition shall not be reconnected until all past due bills shall have been paid in full, together with a reconnection charge of forty dollars (\$40.00) and an additional sixty dollars (\$60.00) after hour reconnection charge only by appointment. (as added by Ord. #99-98, Sept. 1999, amended by Ord. #2004-109, Jan. 2005, and replaced by Ord. #2016-107, May 2016 *Ch4\_5-21-19*)

**18-507. Tampering with meters, reconnecting service, etc.** It shall be unlawful for any person or persons to tamper with or make any connection to the sewer system without permission from the City of Ridgetop, or to reconnect water or sewer service when it shall have been disconnected for nonpayment of a bill for service, and until such bills have been in full, including the reconnection fee. The penalty violation of this section shall be considered the General Penalty Clause of the City of Ridgetop for each day's violation. Any fines collected shall go into the sewer fund. (as added by Ord. #99-98, Sept. 1999)

**18-508. Cash deposits for service.** In that it is the policy of the City of Ridgetop that the property owner is responsible for the payment of all obligations for sewer service to the City of Ridgetop, no cash deposits shall be required in order to secure initial sewer service. In the event that a property owner is found delinquent in the payment of sewer service and as a result of the delinquency service has been terminated, in that event the property owner shall be required to post a deposit of in an amount equal to the last three months active sewer service as a security deposit for payment of all further sewer obligations. The posting of a security deposit shall be in addition to the personal guaranty of the property owner or owners for the payment of sewer service to the City of Ridgetop. The security deposit may be applied against any future delinquent bills which remain unpaid beyond twenty-five days after the rendering of a sewer bill. The forfeiture of a security deposit for partial payment of a delinquent bill shall not relieve the property owner of the obligation to pay

the remaining portion of any outstanding sewer bill or other sewer service obligation. (as added by Ord. #99-98, Sept. 1999)

**CHAPTER 6****ANIMAL AND VEGETABLE FATS, OILS, AND GREASE****SECTION**

- 18-601. Removal of fat, oil, and grease.
- 18-602. Administration.
- 18-603. Definitions.
- 18-604. Discharge of FOG.
- 18-605. Interference with the sanitary sewer operation.
- 18-606. Control of FOG.
- 18-607. Grease Control Equipment (GCE).
- 18-608. Installation of GCE.
- 18-609. Maintenance of GCE.
- 18-610. Additives.
- 18-611. Implementation.
- 18-612. Fees.
- 18-613. Permitting.
- 18-614. Enforcement
- 18-615. Severability.

**18-601. Removal of fat, oil, and grease.** The board of mayor and alderman encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained or washed down drains into the sanitary sewer system. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-602. Administration.** Through this ordinance the wastewater manager is hereby directed to implement the provisions of this ordinance. This implementation includes but is not limited to actions such as, plans approval, inspections, and enforcement through city court. Higher levels of enforcement shall be performed by the mayor. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-603. Definitions.** In the interpretation and application of this ordinance the following words and phrases shall have the indicated meanings:

- (1) "Best Management Practices (BMPs)" means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this ordinance.
- (2) "Fats, Oils, and Grease (FOG)." Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the hexane extractable material test is to be used or an equivalent 40 CFR 136 approved method.

(3) "Food Service Establishment (FSE)." Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the sewer manager. FSEs are classified as follows:

(a) Class 1: Deli engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.

(b) Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NACIS 722513 except fast food with a food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.

(c) Class 3: Full-service restaurants as defined by NACIS 722110.

(d) Class 4: Buffet and cafeteria facilities as defined by NACIS 72212.

(e) Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.

(4) "Grease, brown." Fats, oils, and grease that are discharged to the grease control equipment.

(5) "Grease, yellow." Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(6) "Grease Control Equipment (GCE)." A device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices approved by the sewer manager.

(7) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gallons per minute (gpm) and is located outside the building.

(8) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(9) "Grease recycle container." A container used for the storage of yellow grease for recycling.

(10) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

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

(12) "Tee (influent & effluent)." A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(13) "Black water." Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(14) "Gray water." Refers to all other wastewater other than black water.

(15) "Sewer manager." The city official or employed charged with the responsibility of implementing this ordinance.

**18-604. Discharge of FOG.** City municipal code § 18-402, "No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW (sanitary sewer system of Ridgetop)." Prohibited discharges include, "Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees Fahrenheit (32°-150°F) or zero to sixty five degrees Celsius (0° to 65° C). (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18.605. Interference with the sanitary sewer system operations.** Any user who discharges animal and vegetable fat, oil, and grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified in § 18-613 and may be billed for cleanup charges incurred by the city when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-606. Control of FOG.** (1) All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. See: <http://www.foodservicerresource.com>. If best management practices fail to prevent sanitary sewer system interferences Class 1 FSEs shall install grease control equipment (GCE) as specified in § 18-605, or by the superintendent.

(2) All new Class 2-5 FSEs shall install grease control equipment in sizes specified in § 18-605 or by the superintendent and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(3) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the superintendent gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the superintendent that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) All FSEs with GCE shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(5) Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(6) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(7) All FSEs shall provide access to city utility personnel (after proper identification) for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-607. Grease Control Equipment (GCE).** (1) Minimum acceptable size of GCE is as follows. Larger sizes may be required by the superintendent.

- (a) Class 1: 20 gpm/40 lbs grease trap.
- (b) Class 2: 500 gallon grease interceptor.
- (c) Class 3: 1,000 gallon grease interceptor.
- (d) Class 4: 1,500 gallon grease interceptor.
- (e) Class 5: 2,000 gallon grease interceptor.

(2) Any FSE either new or existing that is found by the superintendent to be interfering with the sanitary sewer system may be asked to install GCE that is larger than the minimum size and take other steps to stop that interference.

(3) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the superintendent gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the superintendent that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty

(60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) Additionally FSEs that discharge the water from dishwashing machines through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(5) Grease traps. These small, under-the-counter units shall be installed according to drawings provided by the superintendent and shall include vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-605. Installation of GCE.** (1) Owners/users are responsible for installation of the GCE.

(2) Grease traps shall be installed according to the requirements in § 18-605.

(3) Grease interceptors shall be substantially similar to sample drawings available from the superintendent.

(4) Tanks must be water tight and protected from rainwater inflow and infiltration.

(5) Two (2) access manholes with a minimum of twenty four inch (24") diameter shall be provided, one (1) directly over the influent pipe and Tee and one (1) directly over the effluent pipe and Tee.

(6) Influent and effluent pipes shall be four inches (4") or larger PVC Schedule 40 or stronger.

(7) Influent and effluent pipes shall be equipped with Tee fittings properly positioned as follows. Influent flow shall be directed downward and the Tee shall terminate twenty four inches (24") below the water surface. Effluent Tee shall block all surface grease and terminate twelve inches (12") above the bottom of the unit.

(8) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of twelve inches (12") from the bottom.

(9) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(10) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(11) Interceptor sizes greater than two thousand five hundred (2,500) gallons shall be served by two (2) tanks installed in series. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-609. Maintenance of GCE.** (1) Owners/users are responsible for maintenance of the GCE.

(2) Grease traps should be cleaned once every two (2) weeks, or sometimes more often, if the combined depth of FOG and solids exceed fifty percent (50%) of the trap.

(3) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches twenty five percent (25%) of the tank depth.

(4) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(5) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

(6) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of notice of such conditions. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-610. Additives.** (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic or organic in origin.

(2) The use of additives is prohibited with the following exceptions:

(a) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

(b) If a product used can be proven to contain one hundred percent (100%) live bacteria, with no other additives, a request for permission to use the product shall be made to the superintendent. The request must be submitted in writing with a full disclosure material safety data sheet and a certified statement from the manufacture. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-611. Implementation.** This ordinance empowers the sewer manager to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to: FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servlcmg vendors (grease waste haulers), permitting of FSEs, and other operating policies needed to protect the sanitary sewer system from interference from FOG. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-612. Fees.** This ordinance empowers the city to establish fees (through a separate fee ordinance) to offset costs associated with the implementation of this ordinance. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees



associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this ordinance. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-613. Permitting.** The city may use FSE permits as a way of implementing this ordinance and may further require the permitting or certification of GCE service and pumping vendors. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-614. Enforcement.** Violators of this ordinance may be issued FSE permits, cited to city court, general sessions court, chancery court, or other court of competent jurisdiction. Violators may face fines, have water and/or sewer service terminated and the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or user, and the service line may be disconnected from sewer main. Upon notice by the wastewater manager that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all of the following remedies:

(1) Cite the user to the City of Ridgetop or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)

**18-615. Severability.** If any section, phrase, sentence or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof. (as added by Ord. #2019-106, Dec. 2019 *Ch5\_12-19-23*)