

TITLE 18

WATER AND SEWERS¹

CHAPTER

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3. INDUSTRIAL COST RECOVERY.
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CHAPTER 1

WATER AND SEWERS²

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¹Municipal code references

Building, utility and housing codes: title 12.
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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1983 Code, § 13-101)

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

(2) "Household" means any dwelling in which one (1) or more persons resides.

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

(4) "Discount date" shall mean the date fifteen (15) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

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

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1983 Code, § 13-102, modified, as amended by Ord. #323, Oct. 2003)

18-103. Obtaining service; no service to be provided without charge. A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. No water or sewer service shall be furnished or rendered any person, firm or corporation without charge. (1983 Code, § 13-103)

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

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit or other fees, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit and fees made by such applicant. The town will promulgate in a separate document entitled "Town of Carthage Policies, Procedures, Rules and Regulations Manual," concerning the restrictions and requirements of water and sewer service to its customers. The town shall require a refundable \$60.00 deposit for each residential service application plus a \$30.00 non-refundable meter set fee; an \$80.00 refundable deposit for each commercial service application plus a \$30.00 non-refundable meter set fee. Any residential customer who applies for service and has a bad debt shall be required to pay their bad debt in full and their deposit shall be \$80.00 with a non-refundable meter set fee of \$30.00. All deposits shall be refunded only after final bills are paid in full. (Ord. #273, Nov. 1996, as amended by Ord. #323, Oct, 2003, and Ord. #326, May 2004)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1983 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

The following schedule shall apply to any customer wishing to connect to the water and sewer system:

Water Tap Schedule:

5/8"	\$1,000.00
1"	\$1,250.00
1½"	\$1,500.00
2"	\$1,750.00
2½" or Larger	Billed at Cost to Install

Sewer Tap Schedule:

All Taps	\$1,250.00
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When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or

property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1983 Code, § 13-106, as amended by Ord. #323, Oct. 2003, and Ord. #326, May 2004)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions Ductile iron Class 52 American Water Works Association Standard (or other construction approved by the city council), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 800 feet from the most distant part of any dwelling structure and no farther than 500 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances.

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

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1983 Code, § 13-107, as amended by Ord. #323, Oct. 2003)

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

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1983 Code, § 13-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1983 Code, § 13-109)

18-110. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

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

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 40.00
1-1/2", 2"	45.00
3"	270.00
4"	270.00
6" and over	270.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1983 Code, § 13-110, modified)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be

allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1983 Code, § 13-111)

18-112. Billing.¹ Bills for residential water and sewer service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the town. Water and sewer charges shall be collected as a unit; no town employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined water and sewer service bill.

Water and sewer bills must be paid on or before the 15th day of the month in which the bills are rendered. Bills paid after this date shall have added thereto an additional charge of twenty percent (20%). Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date. In the event a customer's service is disconnected for non-payment, such service shall not be reconnected until all past due bills are paid in full together with a reconnection fee of \$30.00. Nothing contained herein shall preclude the Town of Carthage from exercising its legal rights of collection of the customer's worthless check through either the civil or criminal court of competent jurisdiction.

Any customer paying for service with a check or bank draft that is returned "insufficient funds" shall be required to make restitution for the amount in full plus a \$25.00 service charge with cash, money order or certified check.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the average of the last three (3) monthly bills. (1983 Code, § 13-112, modified, as amended by Ord. #323, Oct. 2003, and Ord. #326, May 2004)

18-113. Discontinuance or refusal of service. The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

¹Municipal code reference:

Refuse; collection fee: § 17-111.

- (1) This ordinance.
- (2) City rules and regulation book.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1983 Code, § 13-113, modified, as amended by Ord. #323, Oct. 2003)

18-114. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

- (2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1983 Code, § 13-114)

18-115. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1983 Code, § 13-115)

18-116. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by town ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1983 Code, § 13-116)

18-117. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-117)

18-118. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1983 Code, § 13-118)

18-119. Supply and resale of water. All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the town. (1983 Code, § 13-119)

18-120. Unauthorized use of or interference with water supply. It shall be unlawful for any person to tamper with or change any water meter or make any unauthorized connection to the water or sewage system, or turn on or off any of the town's stop cocks, valves, hydrants, spigots or fire plugs without permission or authority from the town. (1983 Code, § 13-120)

18-121. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1983 Code, § 13-121)

18-122. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1983 Code, § 13-122)

18-123. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1983 Code, § 13-123)

18-124. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1983 Code, § 13-124)

18-125. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the town water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such

interruption of service or for damages from the resumption of service without notice after any such interruption. (1983 Code, § 13-125)

18-126. Schedule of water and sewer rates. (1) The established water rates for customers served by the Town of Carthage Municipal Water System within the city limits are as follows:

<u>Gallons per month</u>	<u>Water rate inside city limits</u>
First 1,000	\$14.55 (minimum)
All over 1,000	\$4.19 per thousand gallons

(2) All established water rates for customers served by the Town of Carthage Municipal Water System outside the city limits are as follows:

<u>Gallons per month</u>	<u>Water rate outside city limits</u>
First 1,000	\$21.99 (minimum)
All over 1,000	\$4.55 per thousand gallons

(3) The established water rates for the Highway 25 Utility District and the Cordell Hull Utility District served by the Town of Carthage Municipal Water System shall be the same as those rates for the customers who reside inside the city limits plus a ten percent (10%) surcharge.

<u>Gallons per month</u>	<u>Water rate for utility districts</u>
First 1,000	\$16.01 (minimum)
All over 1,000	\$4.62 per thousand gallons

(4) The established sewer rates for customers served by the Town of Carthage Municipal Sewer System inside the city limits are as follows:

<u>Gallons per month</u>	<u>Sewer rate inside city limits</u>
First 1,000	\$14.55 (minimum)
All over 1,000	\$4.19 per thousand gallons

(5) The established penalties, fees and water and sewer tap rates for customers inside and outside the city limits are as follows:

<u>Water Deposits</u>	
Homeowners	\$60.00
Renters	\$120.00
Meter Set Fee	\$35.00
Bad Debt Deposit	\$92.00
Reconnect Fee	\$35.00
Returned Check/Bank Draft Fee	\$30.00

All 2" or Larger Meters (Monthly Maintenance Fee)	\$50.00
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Water Tap Fee Schedule

5/8"	\$1,250.00
1"	\$1,438.00
1 1/2"	\$1,725.00
2"	\$2,012.00
2 1/2" or Larger	Billed at installation costs

Sewer Rate Schedule

All Taps	\$1,438.00
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(1983 Code, § 13-126, as amended by Ord. #251, Nov. 1992, and Ord. #305, Oct. 2000, replaced by Ord. #323, Oct. 2003, amended by Ord. #349, June 2005, Ord. #375, June 2011, Ord. #388, July 2012, and Ord. #394 June 2013)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Use of public sewers.
- 18-204. Building sewers, connections, and permits.
- 18-205. Private domestic wastewater disposal.
- 18-206. Prohibitions and limitations.
- 18-207. Control of prohibited pollutants.
- 18-208. Wastewater discharge permits.
- 18-209. Inspections, monitoring, and entry.
- 18-210. Enforcement.
- 18-211. Wastewater volume determination.
- 18-212. Wastewater, charges and fees.
- 18-213. Administration.
- 18-214. Miscellaneous provisions.

18-201. Purpose and policy. The purpose of this ordinance is to set uniform requirements for users of the town's wastewater collection system and treatment works to enable the town to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the town's wastewater collection system and treatment works. This ordinance establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to specific users. This ordinance also 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 (POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim the wastewater and/or sludge resulting from such treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof.

This ordinance shall apply to the Town of Carthage and to persons outside the town limits who are, by contract or agreement with the Town of Carthage, users of the Carthage POTW. Except as otherwise provided herein,

the superintendent of the Carthage POTW shall administer, implement, and enforce the provisions of this ordinance. (Ord. #246 (91-006), Sept. 1991)

18-202. Definitions. (1) For the purposes of this ordinance, the following phrases and words shall have the meaning defined below:

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

(b) "Approval authority." The State of Tennessee Department of Environment and Conservation.

(c) "Approved pretreatment program." A program administered by a POTW that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 CFR) of 403.8 and 403.9, and which has been approved by the regional administrator or state director in accordance with 40 CFR 403.11.

(d) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sanitary sewer.

(e) "Bypass." The intentional diversion of wastestreams from any portion of a treatment facility.

(f) "Categorical standards." National pretreatment standards established by the EPA for specific industrial user Standard Industrial Classification (SIC) code categories.

(g) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(h) "Composite sample." Sample consisting of several sample portions collected during a specified period (usually 24 hours) and combined to form a representative sample. Composite samples can be collected on flow proportional or timed basis, depending on the nature of the discharge.

(i) "Conventional pollutant." Biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

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

(k) "Discharge monitoring report." A report submitted by an industrial user to the superintendent containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the POTW.

(l) "Environmental Protection Agency or EPA." An agency of the United States or its duly authorized representative.

(m) "Grab sample." A single sample of wastewater taken at neither set time or flow.

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

pump tank trucks. This specifically includes wastewater from industrial users can made to the POTW by any means other than by a standard sewer tie-on.

(o) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under Section 307(b) or (c) of the Act into the POTW for treatment before direct discharge to state waters.

(p) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. For the purposes of this ordinance, an industrial user is a source of nondomestic wastes from industrial processes.

(q) "Infiltration." Water other than wastewater that enters a sewer system of the ground through such means as defective pipes, pipe joints, connections, or manholes.

(r) "Inflow." Water other than wastewater that enters a sewer system from sources such as roof leaders, to the cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, storm water, surface runoff, street wash water, and drainage.

(s) "Interference." A discharge which, alone or in conjunction with the discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and is therefore a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit, or of the prevention of sewage sludge or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations) Section 405 of the CWA, the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(t) "Mass discharge rate." The weight of material discharged to the community sewer during a given time interval, normally given in pounds per day.

(u) "Medical wastes." Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, formites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(v) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act which applies to industrial users.

These terms also include prohibited discharges promulgated in 40 CFR 403.5 and local limits adopted as part of the town's pretreatment program.

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

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

(y) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premises, and specifically for the purpose of this ordinance, does not contain these constituents in excess of the following concentrations:

BOD ₅	-	300 mg/l
COD	-	600 mg/l
TKN	-	60 mg/l
NH ₃ -N	-	30 mg/l
TSS	-	300 mg/l
Oil & grease	-	100 mg/l

(z) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the POTW's NPDES permit.

(aa) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents, or assigns.

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

(cc) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process change or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the

POTW. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

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

(ee) "Publicly owned treatment works." A treatment works as defined by Section 212 of the Act, which is owned in this instance by the town. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

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

(gg) "Significant industrial user." (i) All dischargers subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.

(ii) All non-categorical dischargers that contribute a process wastestream which makes up 5 percent or more of the average dry weather capacity of the wastewater treatment plant (WWTP), or more than an average of 25,000 gallons per day of process wastewater to the WWTP.

(iii) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operations. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

(iv) All non-categorical discharges that contain more than 100 pounds per day of combined BOD₅ and TSS load above that level found in normal wastewater, or that contain more than 1,000 pounds in a month of combined BOD₅ and TSS load above that level found in normal wastewater.

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

(ii) "Standard industrial classification." A classification pursuant to the Standard Industrial Classification Manual issued by the

Executive Office of the President, Office of Management and Budget, 1972.

(jj) "Submission." (i) A request by a POTW for approval of a Pretreatment Program to the EPA or approval authority.

(ii) A request by the POTW to the EPA or approval authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals.

(iii) A request to the EPA by an NPDES state for approval of its pretreatment program.

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

(ll) "Town." The Town of Carthage, Tennessee.

(mm) "Toxic pollutants." Any pollutant or combination of pollutants listed as toxic in 40 CFR part 401 as promulgated by the administrator of the EPA under the provisions of the Act.

(nn) "User." Any person, firm, corporation, or government entity that discharges, causes, or permits the discharge of wastewater into a community sewer system.

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

(pp) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

(qq) "Wastewater discharge permit." Permit issued to an industrial user pursuant to § 18-208 of this ordinance.

(rr) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(2) The following abbreviations shall have the following meanings:

- | | | | |
|-----|------------------|---|-------------------------------------|
| (a) | BAT | - | Best available technology |
| (b) | BPT | - | Best practical technology |
| (c) | BOD ₅ | - | Biochemical oxygen demand (5-day) |
| (d) | CFR | - | Code of Federal Regulations |
| (e) | COD | - | Chemical oxygen demand |
| (f) | CWA | - | Clean Water Act |
| (g) | EPA | - | Environmental Protection Agency |
| (h) | GMP | - | Good management practices |
| (i) | MBAS | - | Methylene blue activated substances |
| (j) | mg/l | - | milligrams per liter |

(k)	NPDES	-	National Pollutant Discharge Elimination System
(l)	POTW	-	Publicly owned treatment works
(m)	RCRA	-	Resource Conservation and Recovery Act
(n)	SIC	-	Standard Industrial Classification
(o)	SWDA	-	Solid Waste Disposal Act
(p)	TDEC	-	Tennessee Department of Environment and Conservation
(q)	TSS	-	Total suspended solids
(r)	USC	-	United States Code
(s)	WWTP	-	Wastewater treatment plant

(Ord. #246 (91-006), Sept. 1991)

18-203. Use of public sewers. (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 500 feet of the building drain of the parcel shall be considered as being served by the town's sanitary sewer system.

All new buildings hereafter constructed on property which is served by the POTW shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the POTW shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the TDEC or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of sewers. Notwithstanding the above exceptions, all premises served by the POTW are subject to sewer use charges as described in § 18-212 of this ordinance.

(b) Unconnected sewer service lines prohibited. Except for discharge to a properly functioning septic tank system or discharges permitted by an NPDES permit issued by the TDEC, the discharge of sewage into places other than the POTW is prohibited.

(c) Insufficient capacity, connection moratorium. In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(2) Adequate and minimum fixtures. (a) Minimum number of fixtures. A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one commode and one hand washing lavatory.

(b) Adequate water for disposal of waste. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(3) Right to enter and inspect connection. The superintendent, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 A.M. and 6:00 P.M. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the POTW's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the superintendent of such a plug and allow same to be inspected prior to covering any work. If such a line is to be reused, it must first undergo inspection by the superintendent and be in conformity with the existing standards.

(5) Temporary discharges. No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless they have been issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable facilities for festivals

or public shows or for other reasonable purposes. The superintendent shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with provisions of this ordinance. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in § 18-208 of this ordinance, a permit as specified therein will be required.

(7) Grease, grit, oil, and lint traps. Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the POTW sewers or threaten the safety of its employees, shall install and maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the superintendent and constructed in accordance with applicable building codes.

(8) Multi-use private sewer systems. Excluding those industrial waste facilities with a permit issued pursuant to § 18-208, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the POTW's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the POTW as a result of any discharge through the private system. (Ord. #246 (91-006), Sept. 1991)

18-204. Building sewers, connections, and permits.

(1) Installation, maintenance, repair of sewer service lines.

(a) Definition. A standard sanitary sewer system line is a minimum 4 inch pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main trunk.

(b) Installation of sewer service lines. Four inch building sewers shall be laid on a grade greater than 1/8" per foot (at least 1%).

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2 feet per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one of the following materials:

- (i) Cast iron soil pipe using rubber compression joints of approved type;
- (ii) Polyvinyl chloride pipe with rubber compression joints;
- (iii) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (iv) Similar materials of equal or superior quality following superintendent approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the town, attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

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

(c) Cleanouts. A cleanout shall be located 5 feet outside of the building, one as it taps on to the utility laterally and one at each change of direction of the building sewer greater than 45 degrees. Additional cleanouts shall be placed not more than 75 feet apart in horizontal building sewers of 4 inch diameter and not more than 100 feet apart for larger pipes. Cleanouts shall extend to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches on a four inch pipe.

(d) Fees. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The town reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer

connection has been provided for use by the applicant. The rate of charge will be established by the superintendent.

(e) Title and maintenance. When a property owner ties into a sanitary service line and pays the appropriate sewer service line fees, the town, by appropriate instrument, shall convey and release to the property owner, all its right, title, and interest in the sanitary sewer service line so installed by the town. Thereafter, all repairs and maintenance of the sanitary sewer service line shall be the responsibility of the property owner or user of the sewer; provided, for all sanitary sewer service lines hereafter installed by developers in subdivisions and not by the utility, for which no sewer service line charge is charged to the property owner, all repairs, and maintenance of such sanitary sewer service lines shall be the responsibility of either the property owner, user of the sewer, or the developer, as the owner, user, and developer shall agree by separate contract between themselves.

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. POTW personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within 3 feet of either side of the location shown on the sewer plats, then a tap will be provided by the POTW when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the POTW shall be responsible for locating the manhole.

(g) Taps on utility sewers. All taps made directly into the town's sewer lines shall be made by sewer maintenance personnel. The plumbing contractor shall excavate to the town's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to be installed in a trench. New taps shall be made using a "Y" -type connection.

(h) Manhole requirements. A new manhole will be required whenever a sewer service line larger than 6 inches is needed to tie into the town's sewer. The plumbing contractor shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. Sewer maintenance personnel shall install the manhole. The cost of the manhole, including labor and materials, shall be charged to the owner after construction is completed.

(i) Maintenance of service lines. All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The town shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the town's lines.

(j) Methods of installation. The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which

have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the superintendent.

(k) Public safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the town.

(l) Prohibitions. No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer.

(2) Service line to enter sewer at junction; exceptions. No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the superintendent. In any case where such permission has been given, the work shall be done under the inspection of the superintendent or his representative and at the risk and expense of the party making the connection.

(3) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-204 of this ordinance and an inspection has been performed by the superintendent or his representative.

Conditions made without an approved application may be served by order of the superintendent. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the permit application fee in an amount double the current fee.

The receipt by the town of a prospective customer's application for service shall in no way obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the town's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers may be granted for additional services by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(4) Acceptance of work. All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the town's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the superintendent. (Ord. #246 (91-006), Sept. 1991)

18-205. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-203(1) of this ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to said sewer within sixty days after official notification by the superintendent or his representative to do so.

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

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

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

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the TDEC, the Smith County Health Department, and the Town of Carthage. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(f) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the town and/or the Smith County Health Department. (Ord. #246 (91-006), Sept. 1991)

18-206. Prohibitions and limitations. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the POTW. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and environment, and to enable the town to meet requirements contained in its NPDES permit. The superintendent shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of POTW personnel and the operation of the treatment works to enable the facility to comply with its NPDES permit, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The superintendent shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass-through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of 10 percent of the lower explosive limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 6.0 or greater than 10.0.

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which may cause damage to the POTW, including waxy or other materials which tend to clog and/or coat a sewer line or other related appurtenances.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so

as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) 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 104 degrees Fahrenheit (40 degrees Centigrade).

Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 150 degrees Fahrenheit (65.5 degrees Centigrade).

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

(g) Any trucked or hauled pollutants, except at discharge points specified by the POTW.

(h) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass-through.

(i) Any pollutant which causes a discoloration of the WWTP effluent resulting in a degradation of receiving water quality and/or an NPDES permit violation.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in § 18-206(2) of this ordinance where the user can demonstrate one of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.

(b) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed pursuant to § 18-206(10) and (11) of this ordinance for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.

(c) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

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

(b) Wastewater causing a pass-through discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements established by law cannot be met.

(c) Wastewater causing conditions at or near the town's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

(d) 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.

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in § 18-206(10) or cause an exceedance of the limits in § 18-206(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The superintendent shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to § 18-206(5) and (10) of this ordinance in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in this ordinance.

Compliance with current or newly promulgated National Pretreatment Standards for existing sources shall be within 3 years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation of the standard. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before commencing discharge. New sources must meet applicable pretreatment standard within 90 days of commencement of discharge.

(6) Dilution. 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.

(7) Limitations on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste in a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDEC or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from said regulatory agencies has been filed with the superintendent.

(8) Septic tank hauling, pumping, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person first receives from the superintendent a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent.

(a) The owners of such vehicles shall affix and display the permit number in 4 inch block figures on the side of each vehicle used for such purposes.

(b) The permit shall be valid for a period of 1 year from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any of the provisions of the ordinance or other applicable laws or regulations. A revocation or suspension of the permit shall be for a period not to exceed 5 years. Such revocation for suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee. Users found operating in violation of a permit issued under this section and whose permit is therefore revoked by the superintendent, shall be notified

of the violation by certified mail or by notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the superintendent.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by § 18-206(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewaters shall obtain a holding tank discharge permit in accordance with § 18-206(9).

(e) The superintendent shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.)

(f) The superintendent shall have authority to investigate the source of any hauled waste and to require testing the waste at the expense of the discharger prior to discharge.

(9) Other holding tank wastes. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations of the RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of discharge, the source and character of the waste, and shall limit the wastewater constituents of the discharge. The user shall pay any applicable charges or fees and shall comply with the condition of the permit.

(10) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided for in this ordinance or the user's wastewater discharge permit provides a special permit condition temporarily allowing a higher 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 predetermined time frame (compliance schedule).

Table A - User Discharge Restrictions

Parameter	Daily Average Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l)
Antimony	0.5	0.75
Arsenic	0.05	0.1
Cadmium	0.009	0.014
Chromium (total)	0.20	0.30
Copper	0.320	0.48
Cyanide	---	0.354
Lead	0.105	0.158
Mercury	0.001	0.0015
Nickel	0.30	0.45
Pesticides & Herbicides	0.5	0.75
Phenol (total)	---	0.143
Selenium	0.5	0.75
Silver	0.006	0.009
Surfactant as MBAS	25	38
Zinc	0.80	1.20

*Denotes 24-hour composite sample @Denotes grab sample

(11) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following table. Industrial users shall be subject to reporting and monitoring requirements as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the levels set forth in this table, the superintendent shall initiate technical studies to determine the cause of the exceedance and shall recommend to the town the necessary remedial measures. The superintendent may also recommend changes to these criteria in the event that the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Protection Criteria (mg/l)
Cadmium	0.020
Chromium	0.375
Copper	0.5
Lead	0.10
Mercury	0.004
Nickel	0.10
Silver	0.029
Zinc	1.037
Cyanide	0.605
Toluene	0.136
Benzene	0.004
1,1,1 Trichloroethane	0.333
Ethylbenzene	0.024
Carbon tetrachloride	0.075
Chloroform	0.10
Tetrachloroethylene	0.278
Trichloroethylene	0.333
1,2 trans-dichloroethylene	0.013
Methylene chloride	1.25
Phenol (total)	0.143
Napthalene	0.002
Total phthalates*	0.320

*The sum of bis (2-ethylhexyl) phthalate, butyl benzyl phthalate, di-n-butyl phthalate, and diethylphthalate.

(12) Storm drainage, ground, unpolluted and contaminated storm water. (a) No storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the town's sewer unless no other reasonable alternative is available, except with permission from the superintendent. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the superintendent. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

(b) The POTW will accept discharge of contaminated storm water if the following criteria are met:

(i) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

(ii) The contaminated storm water meets the POTW's discharge limits and all state and federal pretreatment requirements; and

(iii) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(13) Use of garbage disposals. No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(14) Hospital or medical waste. It shall be unlawful for any person to dispose of medical waste, surgical operating room waste, or delivery room waste into the sewer.

(15) Obstruction or damage to sewer. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break,

injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes. (Ord. #246 (91-006), Sept. 1991)

18-207. Control of prohibited pollutants. (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in § 18-206(10) and (11) of this ordinance, to meet applicable National Pretreatment Standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, dated, and sealed by a registered engineer, and be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the superintendent with as-built drawings to be maintained by the superintendent. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the superintendent prior to implementation.

(3) Prevention of accidental discharges. All 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 ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this ordinance. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste 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 accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the superintendent for review.

(4) Oil and grease control program. Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils,

transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food processing facility.

Dischargers of oil and grease waste shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to good management practices and approval by the superintendent. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the superintendent. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All disclaimers of oil and grease as listed above are subject to all enforcement and penalty provisions of this ordinance.

(5) Slug control program. (a) Each user shall provide protection from slug discharges or restricted materials or other substances regulated by this article. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the environment. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the superintendent.

(b) Certain users will be required to prepare Spill Response Plans showing facilities and procedures for providing this protection. These plans shall be submitted to the superintendent for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the superintendent and complete implementation within 90 days of notification.

(c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within 5 days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(d) A notice shall be permanently posted on the user's premises advising employees of a contract to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such

slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the superintendent may take enforcement action against an industrial user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.

(iii) The user submitted notices as required in § 18-209(13)

(b) The superintendent may approve an anticipated bypass after considering its adverse effect if the superintendent determines that it will meet the 3 conditions listed in paragraph (a) of this subsection.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-209(13).

(7) Exceptions to wastewater limitations. (a) Applicability. This section provides a method for industrial users subject to the limitation on wastewater pollutants listed in § 18-206(10) and (11) to apply for and receive a temporary exemption to the discharge level for one or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the superintendent allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

(c) 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 superintendent pursuant to paragraph (d) of this subsection.

(d) Review by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the superintendent to correct such deficiencies. This 30 day period may be extended by the superintendent upon application and for just cause. Upon receipt of a complete application, the superintendent

shall evaluate it within 30 days and approve or deny the application based upon the following factors:

(i) The superintendent shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-206(10) and (11) and grant an exception only if such exception is within limitations of applicable federal regulations.

(ii) The superintendent shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under the provisions of Section 307(a) of the Act, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.

(iii) The superintendent shall consider if the exception would create conditions or a hazard to city personnel that would reduce the effectiveness of the POTW taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The superintendent shall consider the possibility of the exception causing the POTW to violate its NPDES permit.

(v) The superintendent shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the POTW or which would cause the POTW to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act or similar state regulatory measure.

(vi) The superintendent 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.

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

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

(ix) The superintendent 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.

(x) The superintendent may consider an application for exception based upon the fact that water conservation measures instituted 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 pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-206(10). No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the POTW.

(e) Review by board. The board shall review any appeal to a denial by the superintendent of an application for an exception and shall take into account the same factors considered by the superintendent. At such a hearing, the applicant and the superintendent shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-210(1) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices. The superintendent or board shall not grant an exception unless the applicant demonstrates to the board that good management practices (GMP) are being employed to reduce or prevent the contribution of pollutants to the POTW. GMP's include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. #246 (91-006), Sept. 1991)

18-208. Wastewater discharge permits. (1) Applicability. The provisions of this ordinance are applicable to all industrial users of the POTW. The town has an "approved POTW pretreatment program" as that term is defined in 40 CFR, Part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the town's program or for the specific industrial categories is authorized.

(2) Application and permit requirements. Prior to discharging non-domestic waste into the POTW, all significant industrial users of the POTW shall obtain a wastewater discharge permit. The industrial user shall request that the superintendent determine if the proposed discharge is significant as defined in § 18-202. If the discharge is determined not to be significant, the superintendent may still establish appropriate discharge conditions for the user. Any non-categorical industrial user designated as significant may petition the superintendent to be deleted from the list as significant on the grounds that

there exists no potential for adverse effect on the POTW's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the superintendent, pay appropriate fees, and agree to abide by the provisions of this ordinance and any specific conditions or regulation established by the superintendent. All original applications shall be accompanied by a report containing the information specified in § 18-208(3). All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

All application information submitted to the superintendent shall be accompanied by a certification statement found in § 18-209(10) of this ordinance.

(3) Report requirements. The report required for all significant industrial users by § 18-208(2) or other provisions of this ordinance shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the superintendent a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the EPA of a National Pretreatment Standard under Section 307(b) or (c) of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set forth in § 18-206 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (a) The name and address of the industrial user.
- (b) The location of the industrial user.
- (c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (d) The average and maximum flow in gallons per day of discharge from the industrial user to the POTW.
- (e) The nature and concentration of pollutants in the discharge from each regulated process from the 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 and as approved by standard methods approved by the superintendent. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the superintendent for approval.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if 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 achieve compliance.

(g) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.

For purposes of this paragraph 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 industrial user's discharging any incompatible pollutant regulated by § 18-206. For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-206.

(4) Incomplete applications. The superintendent will act only on applications that are accompanied by a report which lists all the information required in § 18-208(3). Industrial users who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application. Upon receipt of completed applications, the superintendent and/or pretreatment coordinator shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable laws and regulations. The superintendent may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (a) Pretreatment requirements.
- (b) The average and maximum wastewater constituents.
- (c) Limits on rate and time of discharge for flow equalization.
- (d) Requirements for installation of inspection and sampling facilities.
- (e) Specifications for self-monitoring procedures.
- (f) Requirements for submission of technical and/or discharge reports.
- (g) Requirements for records maintenance.

(h) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.

(i) Other conditions deemed appropriate by the superintendent to ensure compliance with the ordinance or other applicable law or regulation.

(j) A reasonable compliance schedule, as determined by the superintendent, up to one year in duration 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.

(k) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.

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

(6) Notification of proposed permit conditions. (a) Upon completion of the evaluation, the superintendent shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have 45 days from and after the date of the superintendent's recommendations for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended. The superintendent may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the superintendent or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(7) Board to establish permit conditions. (a) In the event that the superintendent cannot issue a permit pursuant to § 18-208(6) above, the superintendent shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.

(b) The board shall schedule a hearing within 30 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The superintendent shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent shall have the right to participate in the hearing and present any relevant evidence to the board concerning

proposed special permit conditions or other matters being considered by the board.

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this ordinance or other applicable laws or regulations and direct the superintendent to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. (a) The following conditions shall apply to the schedules required by § 18-208(5) of this ordinance:

(i) Schedule components. 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.

(ii) Schedule intervals. No such increment shall exceed 9 months.

(b) The town shall require from the permittee when necessary:

(i) The development of a compliance schedule to install the appropriate technology to meet applicable pretreatment standards.

(ii) The submission of all notices and self-monitoring reports as are necessary to assess compliance with pretreatment standards including, but not limited to, those in CFR 403.12.

(9) Duration of permits. Wastewater discharge permits shall be issued for a period of not to exceed 3 years. Permits issued to industrial users pursuant to § 18-207(8) shall be issued for a period of 1 year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The superintendent shall notify in writing any industrial user whom the superintendent has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the superintendent in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or changes as such changes become necessary due to changes in applicable water quality standards, changes in the town's NPDES permit, changes in § 18-206(10) and (11), changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the superintendent at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the

superintendent in regard to any changed permit conditions as otherwise provided for in this ordinance.

(10) Transfer of permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the superintendent.

(11) Revocation of a permit. Any permit issued under the provisions of this ordinance is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.

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

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

(d) Refusal of reasonable access to the user's premise for the purpose of inspection and monitoring.

(12) Permit contents. At a minimum, wastewater discharge permits shall contain the following:

(a) A listing of effluent limitations based on applicable general pretreatment standards, categorical standards, local limits, and/or state law.

(b) Self-monitoring, sampling, reporting, notification, and record keeping requirements; including identification of pollutants, sampling location, sampling frequency, and sample type.

(c) Statement of civil and criminal penalties and any applicable compliance schedule(s).

(d) Permit duration. (Ord. #246 (91-006), Sept. 1991)

18-209. Inspections, monitoring, and entry. (1) (a) When required to carry out the objective of this ordinance, including but not limited to:

(i) 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 ordinance;

(ii) 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;

(iii) Any requirement established under this section.

(b) The superintendent shall require any industrial user to:

(i) Establish and maintain records;

(ii) Make reports;

(iii) Install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate;

(iv) Sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the superintendent shall prescribe;

(v) Provide such other information as the superintendent may reasonably require.

(c) Specific requirements under the provisions of subparagraph (b) of this section shall be established by the superintendent, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.

(d) The superintendent or his authorized representative, employees of the State of Tennessee, and employees of the EPA shall, upon presentation of credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this ordinance are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.

(e) In the event any user denies authorized personnel the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the superintendent by this ordinance, the superintendent shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this ordinance.

(f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section, or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this ordinance. A user who does not have an industrial waste discharge permit and denies the right to inspect as described

herein is subject to having the sewer service in question terminated by the superintendent.

(2) Reports. (a) Progress reports. No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the superintendent, including as a minimum, whether it complied with the increment of progress to be met on such a 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 user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

(b) 90 Day compliance report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-208(3), subparagraphs (d) through (f).

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are submitted.

(ii) The superintendent, as applicable, may impose limitations on industrial users employing 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 paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the superintendent, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the superintendent as alternative standards, the report shall contain a reasonable measure of the user's long-term

production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the superintendent by June 30, 1992.

All users who propose to discharge or who in the judgement of the POTW could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the POTW, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The POTW may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for POTW, State of Tennessee, or EPA personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be 24-hour flow proportional composite samples.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the superintendent. Any change in monitoring location will be subject to the approval of the superintendent.

(d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of Section 304(h) of the Act and contained in 40 CFR Part 136 and its amendments or with any other test procedures approved by the EPA or the superintendent. Sampling shall be performed in accordance with the techniques approved by EPA or the superintendent.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the superintendent immediately by telephone. In the absence of the superintendent, notification shall be given to the POTW employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within 5 days following such an occurrence, the user shall provide the superintendent 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 persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by § 18-207(5), by the industrial user.

(7) Notification of hazardous waste discharge. (a) On or before January 20, 1991, the user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is listed or characteristic waste under Section 3001 of RCRA. Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following 12 months. The notification must take place within 180 days after the July 24, 1990 promulgation date of the Domestic Sewage Study amendments to the Pretreatment Regulations. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of § 18-209(2).

(b) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.5(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(3), (f), (g), and (j).

(c) In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in subparagraph (b) of this section.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under § 18-209(7).

(9) Provisions governing fraud and false statements. The reports required to be submitted under this section shall be subject to the provisions of

18 U.S.C. 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certifications in reports required by the Act.

(10) Signatory requirements. The reports required by this section shall include a certification statement as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. The reports shall be signed as follows:

(a) By a responsible corporate officer if the industrial user submitting the reports required by this section is a corporation. For the purpose of this paragraph, a responsible corporate officer is:

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

(ii) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representation of the individual designated in paragraph (a) of this section if:

(i) The authorization is made in writing by the responsible corporate officer.

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a person in position of equivalent responsibility or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subparagraph (c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph (c) of this section must be submitted to the superintendent prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an individual user indicates a violation, the user shall notify the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the result of the repeat analysis to the superintendent within 30 days after becoming aware of the violation. The industrial user is not required to resample if one of the following criteria is met:

(a) The POTW performs sampling at the industrial user at a frequency of at least once per month.

(b) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an individual user subject to the reporting requirements in § 18-208(3) of this ordinance monitors any pollutant more frequently than required by the superintendent using approved procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent.

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

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

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.

(b) The dates analyses were performed.

- (c) Who performed the analyses.
- (d) The analytical techniques/methods.
- (e) The results of the analyses.

(15) Retention period. Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the superintendent, TDEC Director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the superintendent, the director, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this section shall:

(i) In the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and

(ii) Be available to the public to the extent provided by 40 CFR, part 2.302. If, upon showing to the superintendent by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the superintendent has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the superintendent shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employee, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws. (Ord. #246 (91-006), Sept. 1991)

18-210. Enforcement. (1) Hearings. (a) Any hearing or re-hearing brought before the town council shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this section, the superintendent shall give the petitioner 10 days written notice of the time and place of the hearing.

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

(iii) A verbatim record of the proceedings of the hearings shall be made and filed with the council in conjunction with the findings of fact and conclusions of law made pursuant to § 18-210(1)(a)(i)--(xi). The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover preparation fees.

(iv) In connection with the hearing, the chairperson of the council shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Smith County shall have the jurisdiction upon the application of the superintendent to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.

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

(vi) The decision of the council shall become final and binding on all parties unless appealed to the courts as provided in § 18-210(1)(b).

(vii) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the council shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than 3 days from the receipt of such a petition by the council.

(viii) 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 chairperson to rule on such matters as would require a ruling by the court under said rules.

(ix) The superintendent shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable

to facilitate an orderly hearing subject to approval of the council. The council, the superintendent, his representative, and all parties shall have the right to examine any witness. The council shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(x) Any person aggrieved by an order or determination of the superintendent where an appeal is not otherwise provided by this section may appeal said order or determination to be reviewed by the council under the provisions of this section. A written notice of appeal shall be filed with the superintendent, and said notice shall set forth with particularity the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the superintendent on which is based the appeal until such time as the board has acted upon the appeal.

(xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.

(b) An appeal may be taken from any final order or other final determination of the superintendent or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated, § 27-8-101, within 60 days from the date such order or determination is made.

(2) Civil penalty.

(a) (i) Any person or user who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000 per day each day during which the act or omission continues or occurs:

(A) Violates any effluent standard or limitation imposed by a pretreatment program.

(B) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.

(C) Fails to complete a filing requirement of a pretreatment program.

(D) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.

(E) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(F) Violates a final determination or order of the council.

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

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

(B) Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the town council. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

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

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

(2) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.

(3) Cause of the discharge or violation.

(4) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.

(5) Effectiveness of action taken by the violator.

(6) The technical and economic feasibility of reducing or eliminating the discharge.

(7) The economic benefit gained by the violator.

(D) The superintendent may institute proceedings for assessment in the name of the Town of Carthage in the chancery court of the county in which all or part of the violation occurred.

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

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(a)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed \$10,000 per day for each day during which the act or omission continues to occur.

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

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

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the POTW. The superintendent shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the superintendent shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the person responsible refuses to pay, the superintendent may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

(4) Judicial proceedings and relief. The superintendent may initiate proceedings in the chancery court of the county in which the activities occurred against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this ordinance, or any order of the superintendent and/or council. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(5) Administrative enforcement remedies. (a) Notification of violation. When the superintendent finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon the user a written notice of violation (NOV). Within 10 days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of the NOV.

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

(c) Show-cause hearing. The superintendent may order any user which causes or contributes to a violation of this ordinance, its wastewater permit, or any order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that a user has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this ordinance or any permit or order issued hereunder, the superintendent may issue an order

to cease and desist all such violations and direct those persons in noncompliance to do one of the following:

- (i) Comply with the order.
- (ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (f) Emergency termination of service. When the superintendent finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the superintendent deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the superintendent's order, the superintendent may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual cost incurred by the superintendent in meeting the emergency.

If the emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the superintendent may take any such authorized should the proof warrant such action.

(6) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the town and allocated and appropriated to the sewer system for the administration of its pretreatment program.

(7) Vandalism. Any and all damages incurred by the POTW due to acts of vandalism will be prosecuted to the full extent of the law. (Ord. #246 (91-006), Sept. 1991)

18-211. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the POTW shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the town and/or private meters installed and maintained at the expense of the user and approved by the town.

(2) Wastewater volume. When charges and fees based upon water usage and/or discharge and where, in the opinion of the POTW, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged

from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the town.

The users may install a meter of a type and at a location approved by the town to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the superintendent.

(3) Estimated wastewater volume. For users where, in the opinion of the town, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the superintendent or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the POTW shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the POTW. For users where, in the opinion of the POTW, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the POTW. (Ord. #246 (91-006), Sept. 1991)

18-212. Wastewater, charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the town which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program in order that sufficient revenues are collected to defray the POTW's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Types of charges and fees. The charges and fees established in the town's schedule of charges and fees may include, but not be limited to, the following:

- (a) Sewer service line charges.
- (b) Tap fees.
- (c) User charges.
- (d) Fees for monitoring requested by the user.
- (e) Fees for permit applications.
- (f) Fees based on wastewater characteristics and constituents.
- (g) Fees for discharge of holding tank wastes.
- (h) Inspection fees.
- (i) Industrial user permit fees.

(j) Pretreatment program operating fees.

(3) Determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD ₅	-	300 mg/l
COD	-	600 mg/l
Suspended Solids	-	300 mg/l
Ammonia-Nitrogen	-	30 mg/l
Oil and Grease	-	100 mg/l

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

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, and flow volume.

(4) User charges. Each user of the POTW's sewer system will be levied a charge for payment of indebtedness of the town and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge may be levied against those users with wastewater that exceeds the strength of normal wastewater as defined in this ordinance.

The user charge will be computed from a base charge plus applicable surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the town.

(a) Operation, maintenance, and replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t}(V_u)$$

Where:

C_u	=	User's charge for OM&R per unit time.
C_t	=	Total OM&R costs per unit of time, less costs recovered from surcharges.
V_t	=	Total volume contribution from all users per unit time.
V_u	=	Volume contribution from individual user per unit time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User structures. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other pollutants in normal wastewater as listed in § 18-212(3) of this ordinance. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

C_s	=	Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.
B_c	=	OM&R cost for treatment of a unit of BOD ₅ expressed in dollars per pound.
B	=	Concentration of BOD ₅ from a user above the base level of 300 mg/l expressed in mg/l.
S_c	=	OM&R costs for treatment of a unit of SS expressed in dollars per pound.
S	=	Concentration of SS from a user above the base level of 300 mg/l, expressed in mg/l.
P_c	=	OM&R costs for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
P	=	Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the superintendent.
V_u	=	Volume contribution of a user per billing period in million gallons based on a 24 hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the POTW is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. This charge will be based on the user's proportional share of the costs of administering the POTW pretreatment program, which includes costs incurred by the POTW for verification monitoring, analysis, and

reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t}(V_u)$$

Where:

- C_u = User's charge for POTW pretreatment program per unit time.
- C_t = Total POTW pretreatment program costs per unit time.
- V_t = Total volume contribution of permitted industrial users per unit of time.
- V_u = Volume contribution from a permitted industrial user per unit of time.

(5) Review of OM&R charges. The POTW shall review at least annually the wastewater contribution by users, the total costs of OM&R of the treatment works, and its approved user charge system. The POTW shall revise the user charges to accomplish the following:

- (a) Maintain the proportionate distribution of OM&R costs among users or classes of users.
- (b) Generate sufficient revenue to pay the total OM&R costs of the treatment works.
- (c) Apply any excess revenues collected to the costs of OM&R for the next year and adjust rates accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionally among all users of the treatment works.

(7) Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to OM&R charges.

(8) Billing. Wastewater charges imposed by this ordinance shall be added to, included in, and collected with the monthly water service bills, and shall be due and payable monthly. This shall not affect the right of the POTW to collect wastewater charges from customers who utilize private or public water supplies from other utilities and who discharge wastewater to the POTW.

(9) Collection. Wastewater charges and fees imposed by this ordinance shall be collected by the town in a manner established by the superintendent.

(10) Delinquent accounts. The town may discontinue water service to any customer who has a delinquent wastewater charge until such wastewater charge has been paid, except as provided by state or local law.

(11) Adjustments. The town shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of utility meters, leaks, or other recognized adjustments. (Ord. #246 (91-006), Sept. 1991)

18-213. Administration. (1) Town council. In addition to any other duty or responsibility otherwise conferred upon the board by this ordinance, the town council shall have the duty and power as follows:

(a) To recommend amendments or modifications to the provisions of this ordinance.

(b) To grant exceptions pursuant to the provisions of §§ 18-207 and 18-208, and to determine such issues of law and fact as are necessary to perform this duty.

(c) To hold hearings upon appeals from orders of actions of the superintendent as may be provided under the provisions of this ordinance.

(d) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.

(e) To hold hearings that may be required in the administration of this ordinance and to make determinations and issue orders necessary to effectuate the purposes of this ordinance.

(f) To request assistance from any officer, agent, or employee of the town and to obtain any necessary information or other assistance.

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

(h) The chairperson shall be authorized to administer oaths to people giving testimony.

(2) Superintendent. (a) Superintendent and staff. The superintendent and his/her staff shall be responsible for the administration of all parts of this section.

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

(c) Records. The superintendent shall keep in his office or at an appropriate storage facility all applications required under this chapter

a complete record thereof, including a record of all wastewater discharge permits.

(d) Notice of national pretreatment standard. The superintendent shall notify users identified in 40 CFR, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the superintendent to notify users shall not relieve the users from the responsibility of complying with these regulations.

(e) Public participation notice. The superintendent shall comply with the public participation requirements of 40 CFR, Part 25 in the enforcement of national pretreatment standards. The superintendent shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(ii) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken during a 6-month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC=1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of the POTW personnel and the general public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the superintendent considers to be significant.

(f) Regulations and standards. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this ordinance and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the superintendent.

(g) Sewer credits. The superintendent shall approve secondary meters and determine other kinds of sewer use charge credits.

(h) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #246 (91-006), Sept. 1991)

18-214. Miscellaneous provisions. (1) Pretreatment charges and fees. The town may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the town's pretreatment program which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications.

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.

(c) Fees for reviewing and responding to accidental discharge procedures and construction.

(d) Fees for filing appeals.

(e) Other fees as the town may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the town. (Ord. #246 (91-006), Sept. 1991)

CHAPTER 3

INDUSTRIAL COST RECOVERY¹

SECTION

18-301. Purpose.

18-302. Definition of terms.

18-303. Industrial cost recovery provisions.

18-304. Collection and allocation of funds.

18-301. Purpose. This Industrial Cost Recovery Chapter is to be used in conjunction with the Sewer Use Chapter (chapter 2) to meet requirements of the Environmental Protection Agency. The Town of Carthage, Tennessee, at this time, has no industrial users being served by the sewerage system,² but to meet certain Environmental Protection Agency requirements has developed this Industrial Cost Recovery chapter showing how the industrial user introduces industrial waste into the town system. (1983 Code, § 8-401)

18-302. Definition of terms. (1) Definitions. For the purpose of this chapter on industrial cost recovery and unless the context specifically indicates otherwise the following terms shall have the following meaning:

(a) "Industrial user" shall be defined as a "major industrial user" in chapter 3, § 8-302 of this title with the exclusion of domestic wastes or discharges from sanitary conveniences in the determination of an equivalent 25,000 gpd of normal domestic wastewater.

(b) "Industrial cost recover period" shall mean the thirty year period during which the grant amount allocable to the treatment of wastes from industrial users is recovered from the industrial users of such works.

(c) "Significant industrial users" shall mean one which will contribute greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.

(2) The definitions found in chapter 3, § 8-302 of this title shall apply to the industrial cost recovery system unless the context or above mentioned definitions specifically indicate otherwise. (1983 Code, § 8-402)

¹Appendices A and B of Ord. #204 which provided this chapter are of record in the office of the city recorder.

²As of the date of the compilation of this code.

18-303. Industrial cost recovery provisions.¹ (1) New industry provisions. A new industry which connects to the treatment works shall begin industrial cost recovery payments on the date use is initiated and shall continue for the unexpired portion of the industrial cost recovery period or until the industry ceases use of the facility, whichever occurs first. Total industrial cost recovery recovered from a new industry shall be the federal cost of the capacity used multiplied by the ratio of its period of use to the industrial cost recovery period.

(2) Discontinuance of use by industrial users. If an industrial user discontinues use of the treatment works (including termination of any agreement for reserve capacity), its payment for industrial cost recovery will cease. No reallocation of the industrial cost recovery payments will be made due to the unrecovered portion caused by the departure of any industrial user. Total industrial cost recovery recovered from any industry which discontinues use during the industrial cost recovery period shall be the federal cost of the capacity used multiplied by the ratio of its period of use to the industrial cost recovery period. A significant industry planning to discontinue its use of the treatment facility during the industrial cost recovery period must make its intention known in its letter of intent.

(3) Conflict between local laws or agreements and federal industrial cost recovery requirements. Any agreement between the Town of Carthage and any industry, or between the town and any other political jurisdiction, or other party, which purports to relieve any industry from payment of the federal share of the grant, or which purports to limit the power of the town to demand collection of the federal share of the cost of construction from each industrial user will not be grounds to circumvent or avoid the requirements of the town's industrial cost recovery system or applicable Environmental Protection Agency regulations.

¹See tables 1 and 2 hereafter.

TABLE 1

ALLOCATION OF PROJECT COSTS ACCORDING TO COSTS OF
TREATING FLOW, BOD, AND SUSPENDED SOLIDS

PROJECT ITEM	FLOW		BOD		SS		
	TOTAL	%	AMOUNT	%	AMOUNT	%	AMOUNT
Pumping stations	\$ 80,400	100	\$ 80,400	--	----	--	----
Preliminary treatment	44,900	50	22,450	--	---	50	\$ 22,450
Primary treatment	60,200	--	---	30	\$ 18,060	70	42,140
Secondary treatment	114,500	--	---	70	80,150	30	34,350
Chlorination	44,400	60	26,640	20	8,880	70	8,880
Sludge handling	83,800	--	---	30	25,140	70	58,660
Building & Misc.	<u>143,000</u>	50	<u>71,500</u>	25	<u>35,750</u>	25	<u>35,750</u>
TOTAL CONSTRUCTION COST	571,200		200,990		167,980		202,230
Step 1 Costs (less I/I and SSES costs)	15,910	66	10,501	24	3,818	10	1,591
Step 2 Costs (design, inspection, etc.)	<u>119,807</u>	66	<u>79,072</u>	24	<u>28,754</u>	10	<u>11,981</u>
TOTAL COST FOR ICR	706,917		290,563		200,552		215,802
FEDERAL GRANT (75%)	\$530,187		\$217,922		\$150,414		\$161,851

TABLE 2

CAPITAL COSTS PER UNIT OF TREATMENT CAPACITY¹

FLOW:	Federal Grant Allocated to Flow	\$217,922
	Design Flow	220,00 gpd
	Cost per 1,000 gallons	$\frac{\$217,922}{220} = \$991/1000 \text{ gpd}$
BOD:	Federal Grant Allocated to BOD	\$150,414
	Design BOD	474 lb/day
	Cost per pound of BOD	$\frac{\$150,414}{474} = \$317/\text{lb BOD/day}$
Suspended Solids:	Federal Grant Allocated to SS	\$161,851
	Design SS	592 lb/day
	Cost per pound of SS	$\frac{\$161,851}{592} = \$273/\text{lb SS/day}$

¹These costs are to be recovered from any industrial users on the system over a thirty year period.

(4) Reserve capacity. If an industrial user enters into an agreement with the town to reserve a certain capacity in the treatment works, the user's industrial cost recovery payments shall be based on the total reserved capacity in relation to the design capacity of the treatment works. If the discharge of an industrial user exceeds the reserved capacity in volume, strength or delivery flow rate characteristics, the user's industrial cost recovery payment shall be increased to reflect the actual use. If there is no reserve capacity agreement between the industrial user and the town, and a substantial change in the strength, volume, or delivery flow rate characteristics of an industrial user's discharge share occurs, the user's share shall be adjusted proportionately.

(5) Upgrading and expansion. (a) Upgrading. If the treatment works are upgraded, each existing industrial user's share shall be adjusted proportionately.

(b) Expansion. If the treatment works are expanded, each industrial user's share shall be adjusted proportionately except that a user with reserved capacity shall incur no additional industrial cost recovery charges unless the user's actual use exceeded its capacity.

(6) Adoption of industrial cost recovery system by outside authorities. This industrial cost recovery system shall be incorporated in all agreements with municipalities or subscribers desiring to contribute wastes to the treatment works prior to their connection to the system.

(7) Monitoring. Monitoring requirements for significant industrial users shall be set by the superintendent but shall be no less than annually. Other industrial users shall be monitored on a random basis as deemed necessary by the superintendent. All monitoring will be done to reflect industry's impact on the system during periods of normal discharge. Type of sample frequency, type of analysis and reporting schedule shall be set by the superintendent. If the testing is performed by the superintendent, an adequate sample shall be made available to the industry, if requested, with the results of analysis made available to both parties. Testing performed by the industry for industrial cost recovery purposes shall be done in a laboratory approved by the superintendent.

(8) Letters of intent. Before connection to the system, a significant industrial user shall submit a letter of intent stating that it will pay that portion of the industrial cost recovery allocable to the treatment of its waste.

(9) Industrial cost recovery review. The industrial cost recovery system will be reviewed annually to determine if any changes or revisions need to be made to bring the industrial cost recovery system into compliance with applicable Environmental Protection Agency rules and regulations. (1983 Code, § 8-403)

18-304. Collection and allocation of funds.¹ (1) Computation of industrial cost recovery payments. Industrial cost recovery payments will be in proportion to those industrial wastewater characteristics which influence the cost of construction of the treatment works. These characteristics include strength, volume, and delivery flow rate. The following will be taken into consideration relative to the computation of the individual user's industrial cost recovery payment.

(a) If an industrial user's maximum flow (hourly, daily, monthly, seasonally, etc.) contributes to the cost of construction of a treatment works, it should be the basis for that user's industrial cost recovery payment. No credit shall be given to the industrial user for the time period when the user is not operating and not discharging wastewater.

(b) An industrial user's discharge of uncontaminated cooling waters into the treatment facilities shall be considered process wastes and will be included in the industrial cost recovery computation.

(c) Industrial users discharging pretreated process wastes into the municipal treatment facilities must pay industrial cost recovery based on the characteristics of the pretreated process wastes.

(2) Exclusions from application of industrial cost recovery systems. The industrial cost recovery will not be required on grant costs incurred for infiltration/inflow correction or treatment and correction of combined sewer overflows and collection or treatment of stormwaters.

(3) Appeal procedure. The town's industrial cost recovery system and plan shall be subject to the "appeals" subpart of the Sewer Use Chapter (Chapter 3, section 8-306(4)) in regard to the reasonableness of the allocations and industrial cost recovery assessments imposed upon them and provide a method whereby others affected by the industrial cost recovery system may obtain local review of the town's administration of the industrial cost recovery system.

(4) Implementation of the industrial cost recovery system. The industrial cost recovery period will begin from the date of beneficial use by the first industrial users. At the time of initiation of the industrial cost recovery period the town will establish an accounting period on an appropriate annual basis set to maintain administrative integrity and simplicity.

Not later than 30 days after the industrial cost recovery period begins, the town will establish the accounting period for the industrial cost recovery system and will notify the regional administrator, in writing, of the date of this implementation of the industrial cost recovery system. The first payment to the town by the industrial users shall be made not later than one year after the beginning of the industrial cost recovery period. The industrial cost recovery

¹See Tables 1 and 2 above.

assessment will be paid on a schedule set by the town in accordance with Environmental Protection Agency regulations.

(5) Deposit of recovered funds. All funds recovered during the annual accounting period shall be deposited in interest-bearing accounts which are fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof. Uncollected industrial cost recovery charges which mature into bad debts as a result of bankruptcy of any industrial users should be identified, but are not to be recovered from other industrial users or other sources, and the federal share of such charges will not be paid to the U.S. Government as long as they remain uncollected. The fund recovered in industrial cost recovery payments are not to be decreased by the town's cost of collection and administration of the industrial cost recovery.

(6) Annual payment to Environmental Protection Agency. At no less than annual intervals, no later than four (4) months after the end of the town's annual accounting period, the town shall submit to the regional administrator's financial management office a check for the annual industrial cost recovery payment to the Federal Government, made payable to the Environmental Protection Agency. This shall be 50 percent of the amounts received including any interest earned on the federal portion of recovered funds during the preceding annual accounting period.

(7) Use of retained funds. The town shall retain 50 percent of the amount recovered and may use this to pay the incremental costs of administration of the industrial cost recovery system.

(a) Of the portion remaining after deduction of the incremental costs, 80 percent (with any interest earned) shall be for costs for expansion and reconstruction of treatment works within the town's jurisdiction which would be eligible for a grant determined by a preliminary engineering report sufficiently detailed so as to permit a determination of eligible costs and an estimate of eligible cost. The town must obtain the written approval of the appropriate authority prior to committing any of the funds retained for the construction of treatment works.

(b) Discretionary funds retained by the grantee (20 percent of the retained funds) may be used for any purpose except for construction of industrial pretreatment facilities or rebates to industrial user(s) for costs incurred by such users in complying with federal user charge or industrial cost recovery requirements.

(8) Industrial cost recovery charges. The industrial cost recovery charges based on the Environmental Protection Agency grants excluding those used for infiltration/inflow abatement are:

FLOW: \$991/1000 gpd
BOD: \$317/LB BOD/day
SS: \$273/lb SS/day

These costs encompass the 30 year life of the treatment facilities and will be divided into payments for this period. (1983 Code, § 8-404)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. 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 Town of Carthage for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of 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) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain 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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1983 Code, § 8-501)

18-402. Standards. That the Town of Carthage public water supply system is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1983 Code, § 8-502)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Public Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of the Town of Carthage. (1983 Code, § 8-503)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of waterworks a statement of the non-existence of unapproved or unauthorized auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1983 Code, § 8-504)

18-405. Inspections required. It shall be the duty of the superintendent of waterworks to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent of the waterworks for the Carthage public water supply system and shall be as approved by the Tennessee Department of Public Health. (1983 Code, § 8-505)

18-406. Right of entry for inspections. The superintendent of waterworks or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Carthage public water supply system for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping

system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1983 Code, § 8-506)

18-407. Correction of existing violations. (1) Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by superintendent of waterworks of the Carthage public water supply.

(2) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of waterworks for the Carthage public water supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

(3) Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the superintendent of waterworks shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1983 Code, § 8-507)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.

(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The superintendent of waterworks for the Carthage public water supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer

approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of waterworks the Carthage public water supply system prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Carthage public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the mayor or his designated representative. Water service shall all not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of services is critical, the superintendent of waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The Carthage public water supply system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of waterworks for the Carthage public water supply system.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of waterworks for Carthage public water supply system. (1983 Code, § 8-508)

18-409. Unpotable water to be labeled. That the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1983 Code, § 8-509)

18-410. Violations. The requirements contained herein shall apply to all premises served by the Carthage public water supply system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Carthage Corporate Limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this code. (1983 Code, § 8-510)