

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER.

2. SEWER USE.

CHAPTER 1

WATER

SECTION

18-101. To be furnished by the Crab Orchard Utility District.

18-101. To be furnished by the Crab Orchard Utility District. Water shall be provided to the City of Crab Orchard and its inhabitants by the Crab Orchard Utility District. (1988 Code, sec. 13-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

CHAPTER 2

SEWER USE AND WASTEWATER TREATMENT

SECTION

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18-201. General provisions. This chapter sets forth uniform requirements for direct and indirect contributors into the sewage collection and treatment system for the Town of Crab Orchard and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal sewage system which will interfere with the operation of the system or contaminate the resulting sludge; and
- (2) To prevent the introduction of pollutants into the municipal sewage system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- (3) To improve the opportunity to recycle and reclaim liquids and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal sewage system.

This chapter provides for the regulation of direct and indirect contributors to the municipal sewage system through the issuance of permits to certain non-domestic users and through enforcement of general requirements activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Crab Orchard and to persons outside the town who are, by contract or agreement with the town, users of the sewage system. Except as otherwise provided herein, the superintendent of the sewage system shall administer, implement, and enforce the provisions of this chapter. (Ord. #095-3, Art. 1, Nov. 1995)

18-202. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

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

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

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

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

(b) a general partner or proprietorship, respectively;

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

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

(5) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(6) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(7) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.

(8) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(9) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the mayor and/or superintendent if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(10) "Cooling water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result

in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the town or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and other polluting material.

(11) "Customer." Means any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service. "Customer" shall be synonymous with "user."

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

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

(14) "Ether soluble material" shall mean the quantity of solids obtained through the use of the ether extraction process as outlined for oils and greases in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

(15) "Garbage" shall mean solid wastes generated from any domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

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

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

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

(20) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(21) "Interference." The inhibition or disruption of the sewage treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those

contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the sewage system.

(22) "Mayor" shall mean the mayor of the Town of Crab Orchard or his authorized deputy, agent or representative.

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

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

(25) "National Pollution Discharge Elimination System" or "NPDES Permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C 1342).

(26) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

(28) "Normal sewage" shall be regarded as normal for the Town of Crab Orchard if analyses shows a daily average of not more than 300 milligrams per liter of suspended solids; not more than 250 milligrams per liter of B.O.D.; and not more than 50 milligrams per liter of ether soluble matter (grease and oil), each.

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

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

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

(32) "Pollutant." Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

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

pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sewage system. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

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

(35) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(36) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(37) "Sanitary sewage" shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm and surface water.

(38) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(39) "Sewage." The liquid and water-carried industrial or domestic wastes from dwellings, commercial building, industrial facilities, and institutions, together with may be present, whether treated or untreated, which is contributed into or permitted to enter the sewage system.

(40) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(41) "Sewage works" or "sewage system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(42) "Sewer" shall mean a pipe or conduit for carrying sewage and other waste liquids.

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

(44) "Significant industrial user." Any industrial user of the town's sewage system who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has a flow greater than 5% of the flow in the town's sewage treatment system, or (c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Tennessee statutes and rules or (d) is found by the town or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the sewage treatment plant, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(45) "Slug." Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during

normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or sewer pumping stations.

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

(47) "State." The State of Tennessee, Department of Health and Environment.

(48) "Storm sewer" or "storm drain." Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, it may, however, carry cooling waters and unpolluted waters, upon approval of the mayor.

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

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

(51) "Suspended solids." The total suspended matter that either float on the surface of, or are suspended in, water, sewage, or other liquids; which are removable by laboratory filtering.

(52) "Town" shall mean the Town of Crab Orchard, Tennessee.

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

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

(55) "Unpolluted water or waste" shall mean any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic and poisonous substances in suspension, colloidal state of solution; and noxious or odorous gases and/or other polluting materials. (Ord. #095-3, Art. 2, Nov. 1995)

18-203. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams

mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	-	United States Code
TSS	-	Total Suspended Solids (Ord. #095-3, Art. 3, Nov. 1995)

18-204. Connection to public sewers. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Crab Orchard, or in any area under jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the Town of Crab Orchard, Tennessee, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

(5) The owner of any facility which discharges sewage into the public sewage system shall install at his expense an approved septic tank for pretreatment prior to the discharge. The owner of any facility which discharges sewage into the public sewage system shall allow city maintenance personnel access to the septic tank for cleaning. Industrial users may be required to meet additional criteria as called out in section 18-207. (Ord. #095-3, Art. 4, Nov. 1995)

18-205 Private sewage disposal. (1) Where any residence, office, recreational facility or other establishments used for human occupancy is not accessible to a public sewer as provided in section 18-204, the owner shall provide a private sewage disposal system.

(2) Where any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the

elevation to obtain a 1% grade in the building sewer but is otherwise accessible to a public sewer as provided in section 18-204, the owner shall provide a private sewage pumping station as provided in section 8-205(8).

(3) A private sewage disposal system may not be constructed within the town limits unless and until a certificate is obtained from the mayor 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 sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet. The fee for said certificate is shown in the Water and Sewer Rate Ordinance.¹

(4) Any private sewage disposal system must be constructed in accordance with the requirements of the STATE OF TENNESSEE and of the Putnam County Health Department and of the Town of Crab Orchard, Tennessee, and must be inspected and approved by the authorized representative of the County Health Department and by the mayor.

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

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within 90 days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable materials. (Ord. #095-3, Art. 5, Nov. 1995)

18-206. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the mayor.

(2) There shall be two (2) classes of building sewer permits; (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the customer or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the mayor. A permit and inspection fee (sewage tapping fee), as shown in the Water and Sewer Rate Ordinances, shall be charged.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by a plumber duly certified in writing by the mayor's office.

¹This ordinance is of record in the office of the recorder.

(4) A separate and independent building sewer shall be provided for every building; except where on building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the both be considered as one building sewer. However, each separate unit will pay a separate permit and inspection fee.

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification in paragraph 7 of this section the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. manual of Practice No. 9 shall apply.

(7) Building sewers shall be constructed only of (a) concrete pipe, cast iron soil pipe, or clay sewer pipe using rubber compression joints of approved type; or (b) polyvinyl-chloride pipe with rubber compression joints; (c) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or (d) such other materials of equal or superior quality as may be approved by the mayor. Under no circumstances will cement mortar joints be acceptable. Building sewers shall be a minimum of four (4) inches in diameter. Each connection to the public sewer 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 which is attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

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

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

(10) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other

applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the mayor before installation.

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

(12) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. #095-3, Art. 6, Nov. 1995)

18-207. Industrial building sewer permits. (1) General requirements. All industrial users proposing to connect to or to contribute to the sewage system shall obtain an industrial building sewer permit before connecting to or contributing to the sewage system. All existing significant users connected to or contributing to the sewage system shall obtain an industrial building sewer permit within 180 days after the effective date of this chapter.

(2) Permit application. Users required to obtain an industrial building sewer permit shall complete and file with the town, an application in the form prescribed by the town, and accompanied by the required fee. Existing users shall apply for an industrial building sewer permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Sewage constituents and characteristics including but not limited to those mentioned in this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 30 minute peak sewage flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule;

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

(B) No increment referred to in paragraph (A) shall exceed 9 months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

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

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

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

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

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the

data furnished, the town may issue an industrial building sewer permit subject to terms and conditions provided herein.

(3) Permit modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the industrial building sewer permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial building sewer permit as required by paragraph 2, the user shall apply for an industrial building sewer permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial building sewer permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraph (h) and (i) of paragraph 2.

(4) Permit conditions. Industrial building sewer permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town permits may contain the following:

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

(b) Limits on the average and maximum sewage constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge of requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

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

(f) Compliance schedules;

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

(h) Requirements for maintaining and retaining plant records relating to sewage discharge as specified by the town, and affording town access thereto;

(i) Requirements for notification of the town of any new introduction of sewage constituents or any substantial change in the volume or character of the sewage constituents being introduced into the sewage treatment system;

(j) Requirements for notification of slug discharges;

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

(5) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less

than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as federal or state limitations or requirements are modified or for other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Permit transfer. Industrial building sewer permits are issued to a specific user for a specific operation. An industrial building sewer permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(7) Reporting requirements for permittee. 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 sewage into the sewage works, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the sewage system, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeding the average daily flow allowed in the permit. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted. The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this paragraph shall indicate the mass of pollutants

regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, or pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Comment; Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

(8) Monitoring facilities. The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.

(9) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where sewage is created or discharged shall allow the own or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user

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

(10) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

The town shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(11) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, Tennessee Discharge Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Sewage constituents and characteristics will not be recognized as confidential information.

Information accepted by the town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user. (Ord. #095-3, Art. 7, Nov. 1995)

18-208. Regulations for use of public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the mayor.

(3) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the sewage works. These general prohibitions apply to all such users of a sewage system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any sewage works;

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

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

(c) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing

damage or hazard to structures, equipment, and personnel of the sewage works.

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

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

(f) Any substance which may cause the sewage treatment plants effluent or any other product of the sewage treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the sewage system cause the sewage system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the sewage system violate its NPDES or Tennessee Discharge Permit or the receiving water quality standards.

(h) Any sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any sewage having a temperature which will inhibit biological activity in the sewage treatment plant resulting in Interference, but in no case sewage with a temperature at the introduction into the sewer system which exceeds 65 degrees C (150 degrees F).

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

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

When the superintendent determines that a user(s) is contributing to the sewage system, any of the above enumerated substances in such amounts as to interfere with the operation of the sewage system, the superintendent shall: (1) advise the user(s) of the impact of the contribution on the sewage system; and (2) develop effluent limitations for such user to correct the interference with the sewage system.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations impose under this chapter for sources in that sub-category, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Modification of federal categorical pretreatment standards. Where the town's sewage treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the sewage treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(6) Specific pollutant limitations. No person shall discharge sewage containing in excess of:

0.100 mg/l	arsenic
0.001 mg/l	cadmium
0.160 mg/l	copper
0.012 mg/l	cyanide
0.428 mg/l	total chromium
0.169 mg/l	nickel
0.050 mg/l	lead
0.004 mg/l	mercury
0.014 mg/l	silver
0.360 mg/l	zinc

(7) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(8) Town's right of revision. The town reserves the right to establish by o more stringent limitations or requirements on discharges to the sewage system if deemed necessary to comply with the objectives presented in section 18-201 of this chapter.

(9) Excessive discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the town or state.

(10) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. All existing users shall complete such a plan within 90 days of the issuance of a permit. No user who commences contribution to the sewage system after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the town of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

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

(11) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern. (Ord. #095-3, Art. 8, Nov. 1995)

18-209. Fees. (1) It is the purpose of this chapter to provide for the recovery of costs from users of the town's sewage system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's water and sewer rate ordinance.

(2) The town may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting-up and operating the town's pretreatment program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards;
- (g) fees for treatment of sewage in excess of the strength of normal sewage for the town;
- (h) 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 chapter and are separate from all other fees chargeable by the town. (Ord. #095-3, Art. 9, Nov. 1995)

18-210. Enforcement. (1) Harmful contributions. The town may suspend the sewage treatment service and/or an industrial building sewer permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the sewage system or causes the town to violate any condition of its NPDES Permit.

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

(2) Revocation of permit. Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of section 18-210 of this chapter:

- (a) Failure of a user to factually report the sewage constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or sewage constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

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

The town board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the town to:

- (a) Issue in the name of the town board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the town board for action thereon.

At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the town board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service to be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes or other wastes into the town's sewage treatment system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the city attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county. (Ord. #095-3, Art. 10, Nov. 1995)

18-211. Protection from damage. (1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. #095-3, Art. 11, Nov. 1995)

18-212. Powers and authority of inspectors. (1) The mayor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all industrial and commercial properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The mayor or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for sewage treatment.

(2) While performing the necessary work on private properties referred to in section 18-212(1), above, the mayor or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property to town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 18-207(8).

(3) The mayor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #095-3, Art. 12, Nov. 1995)

18-213. Penalty: costs. (1) Civil penalties. Any user who is found to have violated an order of the town board or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than fifty dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than six (6) months, or by both. (Ord. #095-3, Art. 13, Nov. 1995)

18-214. Validity. (1) If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(2) All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (Ord. #095-3, Art. 14, Nov. 1995)