

TITLE 18
WATER AND SEWERS¹

CHAPTER

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CHAPTER 1**WATER****SECTION**

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1970 Code, § 13-101)

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

(2) "Due date" shall mean the date twelve (12) days (twelfth of each month) 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 bills can be paid at net rates.

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

(4) "Household" means any two (2) or more persons living together as a family group.

(5) "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.

(6) "Service line" shall consist of the pipe line extending from any water main of the municipality 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 municipality's water main to and including the meter and meter box. (1970 Code, § 13-102, modified)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1970 Code, § 13-103, modified)

18-104. Application and contract for service. (1) Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying

the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

(2) The receipt of prospective customer's application for service shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant.

(3) To have water connected to an existing tap or a new tap the customer must provide the following:

- (a) Signature on contract (which must match the name on the account);
- (b) Complete and current service address;
- (c) Correct mailing address;
- (d) Phone number or number to be reached;
- (e) Social security number;
- (f) Place of work or source of income;
- (g) Documentation showing ownership if they are a property owner.

(4) (a) Twenty dollar (\$20.00) non-refundable user fee if the customer is a residential property owner, thirty-five dollars (\$35.00) if the service connection is above 3/4";

(b) Twenty-five dollar (\$25.00) non-refundable user fee if the customer is a commercial property owner, fifty dollars (\$50.00) if the service connection is above 3/4";

(c) Thirty dollar (\$30.00) non-refundable user fee if the customer is an industry, fifty dollars (\$50.00) if the service connection is above 3/4";

(d) Fifty dollar (\$50.00) user fee if the customer is renting either residential or commercial property.

Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-104, modified)

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 used. (1970 Code, § 13-105)

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

- (1) To have a water tap set the customer must provide the following:
 - (a) Inside city limits - \$400.00;

- (b) Outside city limits- \$600.00;
- (c) Septic tank permit (if not on sewer system);
- (d) Zoning or building permit if new construction.

Once the tap and meter have been set, customers must pay a minimum bill whether using water or not using water.

The maximum extension for payment of a water tap shall be twelve (12) months. If the tap is paid by a grant, the customer must pay a minimum bill for no less than two (2) years or as required by the agency providing the LMI.

- (2) To have a sewer tap set the customer must provide the following:
Sewer tap fee of four hundred dollars (\$400.00).

This fee shall be used to pay the cost of laying a new service line and appurtenant equipment. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1970 Code, § 13-106, modified)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of five hundred (500) feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas. All main extensions must be engineered and must be approved by the state.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each one hundred (100) feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which time pro rata amounts of the cash deposit shall also be returned to the depositors. (1970 Code, § 13-107, modified)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section cement-lined cast iron pipe, class 150 American Water Works Association Standard, or PVC pipe, 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 one thousand (1,000) feet from the most distant part of any dwelling structure and no farther than six hundred (600) feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two (2) inches in diameter, or PVC pipe, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water 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. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Provided further, that before water service is furnished to any new subdivision both preliminary and completed plans or plats of the proposed subdivision shall have been submitted to and approved by the mayor and board of aldermen.¹ (1970 Code, § 13-108, modified)

18-109. Requirements for addition to and/or connection with the town water system. The Town of Decatur will not accept or permit any individual, company, corporation or developer to make an extension to the town water system without installing a six (6) inch water main or larger under specifications and plans approved by the town. All plans and specifications must show the installation of a cut-off valve and a six inch fire hydrant for each one thousand (1000) lineal feet of the main before approval of the addition or connection.

¹Municipal code reference

Subdivision regulations: title 16, chapter 3

If the added water main or line extension is approved and accepted by the town, the individual, corporation, company or developer shall be required to maintain and repair the water main or extension for a period of one (1) year from the date of accepting the water main as part of the town water system by the Town of Decatur. (1970 Code, § 13-108A)

18-110. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1970 Code, § 13-109)

18-111. Meters. All meters shall be installed, tested, repaired, and removed by the municipality.

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 municipality. 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. (1970 Code, § 13-110)

18-112. Meter tests. The municipality 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 municipality 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 of twenty-five dollars (\$25.00) for residential service. Rates, fees, and charges that are established after the adoption of this

municipal code shall be provided by resolution of the board of mayor and aldermen.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1970 Code, § 13-111, modified)

18-113. Schedule of rates. All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the municipality may from time to time adopt by resolution.¹ (1970 Code, § 13-112, modified)

18-114. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality. (1970 Code, § 13-113, modified)

18-115. Billing. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

Water bills will be mailed on the first day of the month and due and payable by the twelfth day of the month. All bills are due by the 12th of each month; delinquent thereafter, and penalty is applied on or about the 13th day of the month. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

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 municipality reserves the right to render an estimated bill based on the best information available.²

The cut off date is ten (10) days after the due date (22nd). All customers who have not paid by the cut off date may have their service disconnected.

¹Water rate resolutions are available in the office of the recorder.

²Water rates are of record in the office of the recorder.

If a check is returned the customer will be notified by phone that day or by mail if no phone number is available. If the customer pays in cash the bad check on the day it is returned no charge will be added. If the customer pays any day thereafter a thirty dollar (\$30.00) returned check charge will be applied. If the customer fails to pay the bad check within fifteen (15) days after the day it is received back from the bank their water will be disconnected until the check and the thirty dollar (\$30.00) fee is paid. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Adjustments. Adjustments may be made only when a customer has a leak or when a customer is filling a pool.

(1) If customer has sewer service, any gallons over their average may be adjusted off the sewer charge.

(2) If customer does not have sewer service, gallons over their average may be adjusted based on the inside city rate. If the customer lives outside the city, they will be given the inside the city rate. If the customer lives inside the city no adjustment can be given.

No other type of adjustment is allowed.

One (1) leak adjustment or one (1) pool adjustment per year is allowed. Water payments must be paid on time in order to receive an adjustment or an agreement to pay must be approved by the recorder.

Customers with a water leak resulting in a bill over one hundred dollars (\$100.00) after an adjustment may be set up on a payment plan to pay the bill with the maximum extension for payment being six (6) months. (1970 Code, § 13-114, modified)

18-116. Discontinuance or refusal of service. The governing body shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (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 municipality 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.

If a customer leaves one residence owing a water bill and later requests water service at another residence, no service will be provided until the prior balance has been paid in full.

Before receiving service, the spouse of a water customer may be required to pay any outstanding bill if he or she lived at the previous residence and the contract was in the other spouse's name.

Rental property owners who wish to have the water remain on between renters will be responsible for all water used whether the renter pays or not since they will have signed the contract and the water will be in the property owner's name. Rental property owners who wish to have the water put in the renter's name each time will have to pay a twenty dollar (\$20.00) connection and sign a contract to get the water on in between renters if they wish to have water to clean up. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-113, modified)

18-117. Re-connection charge. The re-connect fee shall be twenty-five dollars (\$25.00) or fifty dollars (\$50.00) after hours, for the first incidence of disconnection for non-payment. The fee shall be doubled for a second or each subsequent incidence, fifty dollars (\$50.00), or one hundred dollars (\$100.00) after hours within one year. Rates and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-116, modified)

18-118. 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 municipality 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 municipality 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 municipality 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 municipality 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. (1970 Code, § 13-117)

18-119. Access to customers' premises. The municipality'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 municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1970 Code, § 13-118)

18-120. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1970 Code, § 13-119)

18-121. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connection, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1970 Code, § 13-120)

18-122. Customer's responsibility for violations. Where the municipality furnishes water 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.

If a meter is locked off and the customer cuts the lock and restores their own service, there will be a charge of eight dollars (\$8.00) for the lock and fifty dollars (\$50.00) for meter tampering.

The fifty dollar (\$50.00) tampering charge will apply for any other type of tampering with property belonging to the water company and for the unauthorized use of water. This includes taking water out of a hydrant or using

water from a meter without the authorization of the water company. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen.

Anyone who is caught straight-piping water will be cited to court for theft of services and prosecuted under Tennessee Code Annotated, § 65-35-102(3) and Tennessee Code Annotated, § 65-35-104(a),(b).

In order to have service restored, the customer must pay their balance in full and pay all applicable fees including a re-connect fee. Water service may be denied if it is determined that the customer is likely to defraud the water company again. (1970 Code, § 13-121, modified)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality 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 municipality. (1970 Code, § 13-122)

18-124. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1970 Code, § 13-123)

18-125. 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 municipality.

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

Anyone wishing to buy water from a hydrant must pay fifteen dollars (\$15.00) for use of the hydrant in addition to the regular water rates for the amount of water used. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-124, modified)

18-126. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1970 Code, § 13-125)

18-127. Liability for cutoff failures. The municipality'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 municipality has failed to cut off such service.

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

(3) The municipality 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 municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1970 Code, § 13-126)

18-128. Restricted use of water. In times of emergencies or in times of water shortage, the municipality 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. (1970 Code, § 13-127)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from the resumption of service without notice after any such interruption. (1970 Code, § 13-128)

18-130. Cut-off valve required. A cut-off valve shall be installed in the service line between the meter and the customer's premises before a water connection is made or meter installed by the municipality. (1970 Code, § 13-129)

18-131. Meter tampering charge established. A charge of fifty dollars (\$50.00) shall be made to any customer who tampers with the system's equipment located on or off the customer's property, including meters, cut-offs, stop cocks, valves, hydrants, spigots, or fire plugs without first obtaining written permission from the municipality. (1970 Code, § 13-130, modified)

18-132. Service charge for temporary discontinuance of water service. Whenever a customer requests discontinuance of water service at their

residence, a five dollar (\$5.00) service charge shall be collected by the municipality before service is restored. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-131, modified)

18-133. Collection charge. Whenever a customer's bill has to be collected at the premises, a collection charge of five dollars (\$5.00) shall be collected in addition to the total amount of the bill. Rates, fees, and charges that are established after the adoption of this municipal code shall be provided by resolution of the board of mayor and aldermen. (1970 Code, § 13-132, modified)

CHAPTER 2**SEWER USE ORDINANCE****SECTION**

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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 law 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 section establishes conditions for connection to the sanitary sewer system and requires application be made at city hall for service connections and may require a discharge permit for certain users. 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 certain users. This section 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 wastewaters and the sludges resulting from wastewater treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-202. Definitions. (1) Definitions. (a) For purposes of this ordinance, the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

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

(ii) "Approved Publicly Owned Treatment Works (POTW) Pretreatment Program" or "Program" or "POTW Pretreatment Program." A program administered by a publicly owned treatment works that meets the criteria established in chapter 40 of the Code of Federal Regulations (40 CFR) §§ 403.8 and 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR § 403.11.

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

(iv) "Board." Town of Decatur Mayor and Board of Aldermen.

(v) "Bypass." The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(vi) "Categorical standards." National pretreatment standards established by the Environmental Protection Agency (EPA) for specific industrial categories as found in 40 CFR chapter I, subchapter N.

(vii) "Centralized Waste Treatment Facility (CWT)." A commercial centralized waste treatment facility (other than a landfill or an incinerator) which treats or stores aqueous wastes generated by facilities not located on the CWT site and which disposes of these wastes by introducing them to the POTW.

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

(ix) "Composite sample." A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the composting or sample period.

(x) "Community sewer." Any sewer containing wastewater from more than one premise.

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

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

(xiii) "Discharge monitoring report." A report submitted by an industrial user to the superintendent pursuant to this section

containing information relating to the nature and concentration of pollutants and flow characteristics of a discharge from the industrial user to the POTW.

(xiv) "Environmental Protection Agency (EPA)." An agency of the United States or the administrator or other duly authorized official of said agency.

(xv) "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 is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the pervious year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(xvi) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is generally located inside the building.

(xvii) "Grease trap." An interceptor whose rated flow is 50 g.p.m or more and is located outside the building.

(xviii) "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 conveyed to the POTW by any means other than by a standard connection to a sanitary or combined sewer.

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

(xx) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b), (c), or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to state waters.

(xxi) "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 section, an industrial user is a source of non-domestic wastes from industrial processes.

(xxii) "Infiltration." Water other than wastewater that enters a sewer system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(xxiii) "Inflow." Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters, and drainage. Inflow does not include, and is distinguished from, infiltration.

(xxiv) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

(xxv) "Local administrative officer." The Mayor of Decatur who serves as chief administrative officer of the local hearing authority.

(xxvi) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

(xxvii) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(xxviii) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(xxix) "Meigs County Health Department." The agency designated by the Town of Decatur as responsible for supervision and administration of private wastewater disposal systems in Meigs County.

(xxx) "National Pretreatment Standard." Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1347) 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 approved pretreatment program.

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

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

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

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

(B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (A)(2) or (3) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a new source as defined under this subsection has commenced if the owner or operator has taken one of the following actions:

(1) Begun or caused to begin as part of a continuous on-site construction program:

Any placement, assembly, or installation of facilities or equipment.

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

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

(xxxii) "National Pollutant Discharge Elimination System (NPDES) Permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342)

(xxxiii) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premise, and specifically for the purposes of this section, does not contain BOD₅, COD, or TSS in concentrations in excess of the following:

BOD₅ -- 300 milligrams per liter

TSS -- 300 milligrams per liter

(xxxiv) "Pass through." A discharge which exits the POTW into waters of the United States in the quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). In the case of POTW receiving discharges from CWTs as defined above, pass through also means the failure of the CWT and the POTW to reduce pollutant discharges from the POTW to the degree required under section 301(b)(2) of the CWA if the CWT discharged directly to surface waters.

(xxxv) "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; the singular shall include the plural where indicated by the context.

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

(xxxvii) "Premises." A parcel of real estate or portion thereof, including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.

(xxxviii) "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 changes 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. However, where wastewater from a regulated process is mixed in an equalization facility 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).

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

(xl) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292). 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.

In some contexts the term also means the Town of Decatur, i.e., a municipality as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges and the discharges from such a treatment works.

(xli) "Reclaimed water." Water which, as a result of the treatment of waste, is suitable for direct beneficial or controlled use that would not occur otherwise.

(xlii) "Severe property damage." Substantial physical damage to property, damage to treatment facilities rendering them inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(xlili) "Shall." Is mandatory; "may" is permissive.

(xliv) "Significant industrial user." (A) All discharges subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N.

(B) All non-categorical dischargers that contribute a process wastestream which makes up five (5) percent or more of the average dry weather organic or hydraulic

capacity of the POTW treatment plant, or more than an average of twenty-five thousand (25,000) gallons per day of process wastewater to the POTW.

(C) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operation or violate any pretreatment standard or requirement. 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.

(xlv) "Significant noncompliance." Per 40 CFR 403.8(f)(2)vii.

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

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants, except pH).

(C) Any other violation of a pretreatment effluent limit (instantaneous, daily maximum of longer-term average, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

(E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(F) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations, which may include violation of a Best Management Practice (BMP), which the control authority determines will adversely affect the operation of implementation of the local pretreatment program.

(I) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(xlv) "Slug" or "slug discharge." Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 18-207 of this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or passthrough or in any other way violate the POTW's local limits or permit conditions.

(xlvii) "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.

(xlviii) "Superintendent." The person designated by the local administrative officer to supervise operation of the POTW and the interceptor sewer system and who is charged with certain duties and responsibilities by this section, or his duly authorized representative, or in his absence or inability to act, the person then in actual charge of said system.

(xlix) "Town." Town of Decatur, Tennessee.

(l) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the administrator of the EPA under the provisions of 33 U.S.C. 1317.

(li) "Treatment works." Any devices and systems used in the storage, treatment, recycling, and reclamation of domestic sewage of liquid industrial wastes, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment

units and clear well facilities; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

(lii) "Twenty-four (24)-hour, flow-proportional composite sample." A sample consisting of several effluent portions collected during a twenty-four (24)-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(liii) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the EPA having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

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

(lv) "Waste." Sewage and other waste substances (liquid, solid, gaseous, or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing, or processing operation, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(lvi) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(lvii) "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 define, classify, or measure the contents, quality, quantity, and strength of wastewater.

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

(lix) "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-206(2) of this ordinance. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.

(lx) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where expressed

in terms of mass, the daily discharge is the total mass discharged over the course of the day. Where expressed in terms of concentration, the daily discharge is the arithmetic average concentration of the pollutant derived from all measurements taken that day.

(lxi) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined by analysis of any discrete or composited sample, independent of the flow rate or duration of the sampling event.

(lxii) "Pretreatment standard or standards." Prohibited discharge standards, categorical pretreatment standards, or local limits.

(b) Abbreviations. (i) For the purposes of this ordinance, the following abbreviations shall have the following meanings:

- (1) "BAT." Best Available Technology.
- (2) "BPT." Best Practical Technology.
- (3) "BOD₅." Biochemical Oxygen Demand (5-day).
- (4) "CFR." Code of Federal Regulations.
- (5) "COD." Chemical Oxygen Demand.
- (6) "CWA." Clean Water Act.
- (7) "CWT." Centralized Waste Treatment Facility.
- (8) "EPA." Environmental Protection Agency.
- (9) "GMP." Good Management Practices.
- (10) "MBAS." Methylene-blue-active substances.
- (11) "mg/l." Milligrams per liter.
- (12) "NPDES." National Pollutant Discharge Elimination System.
- (13) "POTW." Publicly Owned Treatment Works.
- (14) "RCRA." Resource Conservation and Recovery Act.
- (15) "SIC." Standard Industrial Classification.
- (16) "SWDA." Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- (17) "TSS." Total Suspended Non-filterable Solids.
- (18) "U.S.C." United States Code.
- (19) "BMP." Best Management Practice. (Ord. #79, _____ 1990, as replaced by Ord. #181, Dec. 2011)

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 one hundred feet (100') of the property line of the parcel containing the building 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 town's sewer system 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 town's sewer system shall cease to use any other method for the disposal of sewage except as approved for direct discharge by the Tennessee Department of Environment and Conservation (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 town sanitary sewer are subject to sewer use charges as described in § 18-212 of this chapter.

(b) Unconnected sewer service lines prohibited where connection is available. Except for discharge to a properly functioning septic tank system approved by the Meigs County Health Department or discharges permitted by a national discharge elimination system permit (hereinafter NPDES) issued by the TDEC, the discharge of sewage into places other than the town's sewer system is prohibited. All permanently moored boats, floating houses, or floating restaurants, which are not intended to be used as a means of transportation, are likewise required to discharge sanitary sewage into the town's sewer system.

(c) Insufficient capacity, connection moratorium. In those parts of the town 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. Applications issued prior to the date of the moratorium may be completed. No new applications shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue in effect until the 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 required. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the town sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow a sufficient quantity of water to be so applied as properly to carry off all waste matter and keep the same unobstructed.

(3) Right to enter, inspect connection. The superintendent, the building inspector, or other designated employees of the town shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the town's sewers are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause or 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 any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and 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 interrupt the treatment process, or shall damage the town'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 agent shall notify the building inspector of such a plug and allow same to be inspected prior to covering of any work. If such line is to be reused, it must first undergo inspection by the building inspector and be in conformity with then-existing standards.

(5) Limitations on point of discharge; temporary facilities. No person shall discharge any substance directly in to a manhole or other opening in a town sanitary sewer other than through an approved building sewer unless he has 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 sanitary 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 the 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 filling stations, garages, self-service automobile 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 chapter, a permit as specified therein will be required.

(7) Grease traps, grit traps, oil traps, and lint traps. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These

interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch ($\frac{1}{2}$ ") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation, FOG Guidance Manual. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of control equipment.

(f) The superintendent may use industrial wastewater discharge permits under § 18-208 to regulate the discharge of fat, oil and grease.

(8) Multi-user 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 town'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 town's system as a result of any discharge through the private system.

(9) Standard policies on public water and sewer extensions. The town may adopt from time to time standard policies on public water and sewer extensions which are to become part of the town's water or sewer systems

following completion of construction. These policies may include, but are not limited to, requirements for planning, permitting, approval, and acceptance; details. Copies of the policies will be made available to engineers, developers, contractors, plumbers, and other parties desiring to extend or connect to the town's water or sewer systems. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

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

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

(a) Definition. A standard sanitary sewer service line is a four inch (4") or six inch (6") pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main or trunk.

(b) Installation of sewer service lines. Four inch (4") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one (1) of the following approved materials:

(i) Cast iron soil pipe SDR 35 or heavier using rubber compression joints;

(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 provisions, 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 a building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent (1%) or more where possible. In cases where basement or floor levels are lower than the ground elevation 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 town's sewer.

(c) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the city. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the superintendent or manager with documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the city. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

(d) Maintenance of building sewers. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. Owners failing to maintain or repair building sewers or who allow storm water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(e) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. Town personnel will provide whatever information is available for this purpose. If no wye or tee exists within three feet (3') of either side of the location shown in the town's records, then a tap will be provided by the town when the sewer main is uncovered. If a manhole needed for locating a service line has been lost, then the town shall be responsible for locating the manhole.

(f) Taps on town sewers. All taps made directly into the town's sewer lines shall be made by town 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 wye-type connection.

(g) Manhole required. A new manhole will be required whenever a sewer service line larger than six inches (6") is needed to tie into the town's sewer. The plumbing contractor shall excavate to the town's sewer and sufficiently expose the pipe for installation of a manhole. The town's 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.

(h) Maintenance of sewer service lines. All repairs and maintenance of the sanitary 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 service line sub-out.

(i) Exceptions for state highways and railroads. When the installation of sanitary sewer service lines is required for sewers constructed in highways or streets owned by the State of Tennessee for which boring rather than open cutting is required by regulation of the State of Tennessee, installation shall be at the expense of the property owner, and the provisions of subsection (c) shall not be applicable. Whenever a sanitary sewer service line must be installed under a railroad track or railroad right-of-way, the provisions of subsection (c) shall not be applicable, and the property owner shall construct and maintain the sanitary sewer line at his own expense. Installation of sanitary sewer service lines in state highways or streets must be approved by the Tennessee Department of Transportation and by the railroad in railroad rights-of-way.

(2) Service lines to enter sanitary sewers at junction; exception. No service lines shall enter a sanitary sewer at any point except where a junction has been made and left therefor unless by special permission of the superintendent. In all cases where such permission is given, the work shall be done under the inspection of the town's plumbing inspector and at the risk and expense of the party making the connection.

(3) Application required to make connection. (a) Before the owner of any property connects such property into the town sewer, the owner or owner's agent shall make application to and be issued a permit by the superintendent. The work shall be performed only by a licensed master plumber who has also signed the permit. The permit application shall be a form prescribed by the superintendent. All connections shall be inspected and approved by a town inspector before being used.

(b) Connections made without an approved application may be severed 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 regular fee.

(c) No permit for a connection which may be used for discharge of industrial process wastes or other non-domestic wastes regulated by § 18-206 of this chapter shall be issued except upon separate application to the superintendent and approval of the discharge under the provisions of § 18-208.

(4) Sewer construction; acceptance of work. All sewer construction involving interceptor sewer lines, pump stations, metering stations, and appurtenances which shall become a 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 town sewers are opened, uncovered, or undercut must have the prior approval of the superintendent. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

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

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

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

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation (TDEC) and the Meigs County Health Department. 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 section shall be construed to interfere with any additional requirements that may be imposed by the

Meigs County Health Department. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-206. Prohibitions and limitations on discharges. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged into 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 § 18-206(4)(i) hereof, and other prohibitions and limitations of 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 sewer system 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 the 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 ten percent (10%) 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 lower than 5.0 or higher than 9.5, except as provided in § 18-206(16).

(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 cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge (slug) of such volume or strength 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 40 degrees Centigrade (104 degrees Fahrenheit).

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

(g) Any trucked or hauled pollutants, except at discharge points designated 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 noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(j) Any wastewater which imparts color that cannot be removed by the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the town's NPDES permit.

(k) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(l) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(m) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(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 chapter and the specific prohibitions in subsections (c), (d), and (e) of that section 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) (i) 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) 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.

(ii) 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 the POTW's 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 town's treatment work effluent such that receiving water quality requirements established by the 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 § 8-206(10) or cause a violation of the limits in § 18-206(11).

(h) The capacity or 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 or the board, as applicable, shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to §§ 18-206(15) and 18-206(10) of this chapter 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 chapter.

(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 in to 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 section. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(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. The superintendent may impose mass limitations on users who are using dilution to meet applicable standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(7) Limitation on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into 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 pumping, hauling, 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 permit shall be valid for a period of one (1) year from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any provisions of this

code, regulations as established by the superintendent, or other applicable laws and regulations. A revocation or suspension of the permit shall be for a period not to exceed five (5) years. Such revocation or 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 who paid less than fair market value for such business or assets. Users found operating in violation of a permit issued under this subsection and whose permit is therefore revoked by the superintendent, shall be notified of the violation by certified mail or by a notice personally delivered to the user.

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

(c) 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 wastewater or a mixture of such wastewater with domestic wastewater shall obtain a holding tank discharge permit in accordance with § 18-206(9).

(d) 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 thereto, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

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

(9) Other holding tank waste. 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 under RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and the source and character of the waste, and shall limit the wastewater constituents and characteristics of the discharge. The user shall pay any applicable charges or fees and shall comply with the conditions of the permit. However, the

superintendent may waive at his discretion the application and the fees for discharge of domestic waste from a recreational vehicle holding tank.

(10) Limitations on wastewater strength (local limits). The superintendent will establish and enforce specific pollutant limits (local limits) to implement the prohibitions and requirements of this chapter. In addition, where deemed appropriate, the superintendent may develop Best Management Practices (BMP's) to implement the requirements of this chapter. Any such BMP's shall be considered local limits. Local limits shall be deemed pretreatment standards for the purposes of this ordinance. No user shall discharge wastewater with pollutant concentrations in excess of the concentration set forth in the table below unless:

(a) An exception has been granted the user under the provision of § 18-207(8); or

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

Pollutant	Maximum Concentration (mg/l) (24-hour Flow Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Cadmium (Cd)	0.061	-
Chromium (Cr)	0.689	-
Copper (Cu)	0.857	-
Cyanide (CN)	-	1.010
Lead (Pb)	0.426	-
Mercury	0.0055	-
Nickel (Ni)	0.485	-
Silver (Ag)	0.050	-
Zinc (Zn)	1.758	-
BOD ₅	300*	-
Total Suspended Solids	300*	-
Grease and Oil (Soxhlet)	-	124.5
Phenols	-	0.050

*Concentrations above 300 mg/l.

(11) Criteria to protect the treatment plant influent. The superintendent shall monitor the treatment works influent for each pollutant in the following table. Industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-209 as to these pollutants. In the event that the influent at the treatment works reaches or exceeds the established levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend remedial measures as necessary, including but not limited to, the establishment of new or revised pretreatment levels for these pollutants. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards or applicable laws or regulations are changed, or when changes are necessary for a more effective operation.

Pollutant	Monthly Average Maximum Concentration (mg/l)
Cadmium (Cd)	0.033
Copper (Cu)	0.500
Chromium (Cr)	0.375
Nickel (Ni)	0.273
Lead (Pb)	0.250
Mercury (Hg)	0.0002
Silver (Ag)	0.029
Zinc (Zn)	1.053
Cyanide (CN)	0.605

(12) Storm drainage, ground water, unpolluted water, 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 flowmeter 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 repair or replace any leaking or damaged lines.

(b) The town will accept the 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 town's discharge limits and all state and federal pretreatment requirements; and

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

(13) Limitations on the use of garbage grinders. No waste from garbage grinders shall be discharged into the town's sewers except from private garbage grinders used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only where applicable fees are paid. Installation of any garbage grinder equipped with a three-fourths horsepower (or greater) motor shall require a permit. The superintendent may issue a permit when there is inadequate space on the user's premises to properly store food preparation waste between regularly scheduled garbage pickup by a service with an equal or greater frequency of collection. Provided, further, that such grinders shall shred the waste sufficiently that it can be carried freely under normal flow conditions prevailing in the town's sewer lines. It shall be unlawful for any person to use a garbage 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 town's sewer.

(15) Obstruction of or damage to sewer lines. 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 sewer 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.

(16) Limitations on pH excursions. Where an industry continuously monitors wastewater pH by means of a recorder, the user shall maintain the pH of such wastewater within the range set forth in the Sewer Use Ordinance,

except excursions from the range are permitted subject to the following limitations:

- (a) The total time during which the pH values are outside the required range of pH values shall not exceed seven (7) hours and twenty-six (26) minutes in any calendar month.
- (b) No individual excursion from the range of pH values shall exceed sixty (60) minutes duration.
- (c) No individual excursions shall fall below a pH of 5.0 s.u.

An excursion is an unintentional and temporary incident in which the pH value of discharge wastewater falls outside the range of pH values set forth by this sewer use ordinance.

(17) Tenant responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(18) Mass and concentration limits. (a) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for the purposes of calculating effluent limitations applicable to individual industrial users. In calculating equivalent mass per day limitations, the mass limits in the standard shall be multiplied by the user's average rate of production. The average rate of production shall not be based on the design production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production. For new sources, actual production shall be estimated using projected production. In calculating equivalent concentration limitations, the mass limits in the standard shall be divided by the average daily flow rate of the industrial user's regulated process wastewater. The average daily flow rate shall be based on a reasonable measure of the user's actual long-term average flow rate. Any day in which the facility does not have a discharge should not be included in the calculations of average flow.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit in accordance with § 18-206(22).

(c) Equivalent limitations calculated in accordance with subsections (18), (19), (20), and (21) of this section are deemed pretreatment standards under federal and state law. The superintendent must document how the equivalent limits were derived, from concentration to mass limits or vice versa, and make this information available to the public. Once included in its permits, the industrial user

must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(d) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the superintendent within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the superintendent of such anticipated change will be required to meet the mass or concentration limits in its original control mechanism that were based on the original estimate of the long-term production rate.

(19) Net/gross calculation. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the superintendent. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following criteria are met:

(a) Either:

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

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

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

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

(d) Credit will be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The superintendent may waive this requirement if he/she finds that no environmental degradation will result.

(20) Equivalent mass units. When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, the industrial user may request that the superintendent convert the limits to equivalent mass limits. The determination to convert concentration to mass limits is within the discretion of the superintendent. The superintendent may establish equivalent mass limits only if the industrial user meets all the following conditions of subsections (a)(i) through (iv):

(a) To be eligible for equivalent mass limits, the industrial user must:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce a water use during the term of its control mechanism;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions.

(iv) Not have any flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(v) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

(i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with equivalent mass limits;

(ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(iii) Continue to record the facility's production rates and notify the superintendent whenever production rates are expected to vary by more than twenty percent (20%) from the baseline production rates determined in subsection (a)(iii) above. Upon notification of a revised production rate, the superintendent must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented

pursuant to subsection (a)(i) above so long as it discharges under an equivalent mass limit.

(c) If the superintendent chooses to establish equivalent mass limits, he/she:

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

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

(iii) May retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the average daily flow rates used in the original calculation of the equivalent mass limit were not based upon the use of dilution as a substitute for treatment. The user must also be in compliance with § 18-207(6) regarding prohibition of bypasses.

(21) Equivalent concentration limits. The superintendent may convert the mass limits of categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the superintendent. When converting such limits to concentration limits, the superintendent may use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 18-206(6).

(22) Combined waste stream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the superintendent or by the industrial user with the consent of the superintendent. The alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the superintendent or industrial user shall calculate both an alternative daily maximum value using the maximum value(s) specified in the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the superintendent until the superintendent modifies the limits or approves an industrial user's modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An

industrial user must immediately report any such material or significant change to the superintendent.

(a) Alternative limit calculation. Alternative limits shall be calculated using the formula and instructions in 40 CFR 403.6(e).

(b) Alternative limits below detection limit. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit of any regulated pollutants.

(c) Choice of monitoring location. Where a regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purposes of determining compliance with the applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined waste stream, it shall apply the alternative discharge limit calculated using the combined waste stream formula as described in this section. The industrial user may change monitoring locations only after receiving prior approval from the superintendent. The industrial user may not use dilution as a substitute for adequate treatment to achieve compliance with applicable standards. (Ord. #79, __ 1990, as replaced by Ord. #181, Dec. 2011)

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) of this chapter, to meet applicable national pretreatment standards, to prevent slug discharges or to meet 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 forty-five (45) days of receipt and recommend to the industrial 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 building, plumbing, and all other required permits. The industrial user shall construct the pretreatment facility within the time provided in the industrial user's wastewater discharge permit. Following completion of construction, the industrial 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 an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and be 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 section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any industrial user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this section 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 for special permit conditions shall be developed by the user and submitted to the superintendent for review under the provision of § 18-207(2).

(4) Oil and grease discharge control program. Disposal of petroleum oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other industrial oils. Vegetable oils used in a restaurant or food processing facilities are governed by § 18-203(7), "Grease traps, grit traps, oil traps, and lint traps."

(5) Slug discharge control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this section as defined in § 18-202(1)(xlvi). No significant industrial user who commences discharge to the sewerage system after January 1, 1990, shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the superintendent. Each existing significant industrial user shall be evaluated by the town for the need for slug discharge control plans or procedures at least once by October 14, 2006.

(b) Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be submitted to the superintendent for review and approval. All existing users required to have SDPC plans shall submit such a plan within three (3) months after notification from the superintendent and complete implementation within six (6) months. Review and approval of such plans and operating procedures shall not relieve the user from the

responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(c) SDPC plans shall address at a minimum the following:

(i) Description of discharge practices, including nonroutine batch discharges.

(ii) Description of stored chemicals.

(iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 18-206(2) of this chapter.

(iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(d) 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 five (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 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 sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(e) A notice shall be permanently posted on the user's premises advising employees of a contact 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.

(f) Each significant industrial user shall immediately notify the superintendent of any changes at its facility affecting, the potential for a slug discharge.

(6) Prohibition of bypass. (a) Except as allowed in subsection (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 user of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

(iii) The industrial user submitted notices as required under § 18-209(13) of this chapter.

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

(c) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-208(13).

(7) Centralized waste treatment facilities. The superintendent shall establish effluent limits for Centralized Waste Treatment facilities (CWT) in order that the level of pollution discharged from the CWT through the POTW to the environment will not exceed the level that would be allowed if the CWT discharged directly to surface waters under section 301(b)(2) of the Act (33 U.S.C. § 1311). Additionally, centralized waste treatment facilities shall maintain records and submit reports as directed by the superintendent regarding the SIC codes of their customers and the frequency, characteristics, and volume of wastes from the various categories.

(8) Exception to wastewater strength standard (local limits).

(a) Applicability. This section provides a method for industrial users subject to the limitation on wastewater strength pollutants listed in § 18-206(10) to apply for and receive a temporary exception to the discharge level for one (1) or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exception 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 subsection (d) of this section.

(d) Review by 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 thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the superintendent upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate it within thirty (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 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 provision of section 307(a) of the Act (33 U.S.C. 1317), 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 town personnel that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The superintendent shall consider the possibility of the exception causing the treatment works 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 town or which would cause the town to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345) 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 and 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 of pollutants discharged. To be eligible for an exception under this section, the applicant must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-206(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 mayor and board of aldermen. 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 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(4) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices required. The superintendent or the board shall not grant an exception unless the applicant demonstrates to the board that Good Management Practices (GMP) are being employed to prevent or reduce the contribution of pollutants to the POTW. GMPs 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 quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(9) Variance from categorical pretreatment standards. Industrial users subject to a categorical pretreatment standard may request a variance from the standard for fundamentally different factors from EPA or from the state director in accordance with 40 CFR 403.13. (Ord. #79, ____ 1990, as replaced by Ord. #181, Dec. 2011)

18-208. Wastewater discharge permits. (1) Applicability. The provisions of this section 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 as defined in 40 CFR, part 403.3(j) 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 specific industrial categories is authorized.

(2) Application and permit requirements for industrial users. 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(1). If the discharge is determined not to be significant, then the superintendent may still establish appropriate discharge conditions for the user. Any noncategorical industrial user designated as significant may petition the superintendent to be deleted from the list of significant industrial users 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 chapter and any specific conditions or regulations established by the superintendent. All original applications shall be accompanied by the information specified in § 18-203 of this chapter. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

(3) Application requirements. The permit application required for all significant industrial users by § 18-208(2) or other provisions of this section shall contain, in units and terms appropriate for evaluation, the information listed in subsections (a) through (e) below:

(a) The name and address of the industrial user, including name and address of the owner and operator, along with contact information.

(b) A list of environmental permits held by or for the facility.

(c) Description of operations. (i) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user, including a schematic process diagram which indicates the points of discharge to the POTW from the regulated processes;

(ii) The types of wastes generated and a list of chemicals used and materials stored at the facility which could be accidentally discharged to the POTW;

(iii) Number of employees, hours of operation, and proposed or actual hours of discharge to the POTW;

(iv) Type and amount of raw materials processed (average and maximum per day), and type and amount of products produced (rate of production);

(v) Site plans; floor plans; and plumbing plans to show all sewers, floor drains, and appurtenances by size, location, and elevation; and all points of discharge.

(d) Proposed location for monitoring for all waste streams covered by the permit.

(e) Flow measurement. The average and maximum daily flow in gallons per day of discharge of regulated and other streams from the industrial user to the POTW.

(f) Measurement of pollutants. 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 determined 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. Sampling must be representative of daily operations and be conducted in accordance with the requirements of § 18-209(4). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or applicable standard.

(g) Description of proposed pretreatment systems or equipment and/or operation and maintenance procedures necessary to meet applicable pretreatment standards and requirements.

(h) Any request for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge.

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

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

(5) Evaluation of application and permit conditions. Upon receipt of complete applications, the superintendent shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. The superintendent may deny or condition new

or increased contributions, or changes in the nature of pollutants, where such contributions would cause the POTW to violate its NPDES permit. All wastewater discharge permits shall be expressly subject to all the provisions of this section and all other applicable ordinances, laws, and regulations. The superintendent may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

(a) All permits shall contain the following:

(i) Statement of duration (in no case more than five (5) years) and effective date;

(ii) Statement of non-transferability without prior notification to the superintendent and provision of a copy of the wastewater discharge permit to the new owner of the industrial property and process;

(iii) Effluent limitations, including BMPs (if applicable), based on general pretreatment standards, categorical standards, local limits, and federal, state and local law;

(iv) Self-monitoring, sampling, reporting, notification, recordkeeping, including identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, sample type;

(v) The process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with § 18-209(2)(f), and any grant of the monitoring waiver by the superintendent under said section.

(vi) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements.

(vii) Applicable compliance schedule. Such schedule shall not extend the compliance date beyond that required by applicable federal, state, or local law;

(viii) Prohibition of bypassing pretreatment or pretreatment equipment.

(ix) Requirements to control slug discharges, if determined by the superintendent to be necessary.

(b) Permits may also contain:

(i) Pretreatment requirements.

(ii) Requirements for the development and implementation of spill control plans necessary to prevent accidental or unanticipated discharges.

(iii) Limits on rate and time of discharge of requirements for flow regulations and equalization.

(iv) Requirements for installation of inspection and sampling facilities, including flow measurement devices.

(v) Development and implementation of waste minimization or pollution prevention plans to reduce the amount of pollutants discharged to the POTW.

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

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

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

(6) Applicant to be notified of proposed permit conditions; right to object. (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 forty-five (45) days from and after the date of the superintendent's recommendation 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 fifteen (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. Otherwise, the superintendent shall submit the disputed matters to the board for resolution.

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

(b) The board shall schedule a hearing within ninety (90) 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, 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 section 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. The following conditions shall apply to the schedules required by § 18-208(5) of this chapter.

(a) 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 (e.g., hiring an engineer, completing the engineering report, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)

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

(9) Duration of permit. All existing permits for significant industrial users shall be reviewed and reissued with revisions as necessary to comply with new regulatory measures of this section on or before June 30, 1991. Wastewater discharge permits shall be issued for a period of time not to exceed three (3) years. Provided that permits issued prior to June 30, 1991, may be issued for a period between two (2) and three (3) years for the administrative convenience of the superintendent so as to stagger the renewal dates of the permits. Provided further that permits issued to industrial users granted an exception pursuant to § 18-207(8) shall be issued for a period of one (1) year.

Notwithstanding the foregoing, industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment 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 federal regulations, but any failure of the superintendent in this regard shall not relieve the industrial user of the duty of complying with such national pretreatment standards. An industrial user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change in accordance with subsection (12) below. Industrial users shall be notified of any proposed changes in their permit by the superintendent at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The industrial user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided in this section.

(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 or transferred or sold to a new owner, new user, a different premises, or a new or changed operation, without the prior approval

of the superintendent. Upon approval of a permit transfer, the superintendent will provide the new owner or operator with a copy of the ordinance.

(11) Revocation of permit. Any permit issued under the provisions of this section 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 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 or monitoring;

(e) Failure to notify the superintendent of significant changes to the wastewater prior to changed discharge;

(f) Falsifying self-monitoring reports and certification statements;

(g) Tampering with monitoring equipment;

(h) Failure to comply with the requirements of an enforcement notice or order;

(i) Operating with an expired wastewater discharge permit (unless timely application for renewal has been submitted); or

(g) Failure to provide advance notice of the transfer of business ownership.

(12) Modification of permit. The superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to the following:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements, including changes in the POTW's pass-through limits or NPDES permit limitations;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.

(c) A change in the POTW that requires either a temporary or a permanent reduction of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the POTW, town personnel, or the receiving waters;

(e) Violation of the terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in required reporting;

(g) Revision or a grant of a variance from categorical pretreatment standards;

- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect transfer of facility ownership or operation to a new owner or operator. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-209. Inspections, monitoring, and records. (1) Inspections, monitoring, and entry. (a) When required to carry out the objective of this section, 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 conditions under this section;
 - (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 where appropriate, biological monitoring methods;
 - (iv) Sample effluents in accordance with these methods, at such locations, at such intervals, and in such manner as the superintendent shall prescribe; and
 - (v) Provide such other information as the superintendent may reasonably require.
- (c) Specific requirements under the provisions of subsection (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 degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement imposed.
- (d) The superintendent or his authorized representative shall, upon presentation of his 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 subsection are located.

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

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

(f) Any industrial user failing or refusing to discharge any duty imposed upon the user under the provisions of this section, or who denies the superintendent or authorized representative the right to enter the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or such other duties as may be imposed upon him 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 section. A user who does not have an industrial waste discharge permit and denies the superintendent or authorized representative the right to inspect as described herein subject to having the sewer service in question terminated by the superintendent.

(2) Reports. (a) Baseline monitoring reports. Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR, part 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the town a report which contains the information listed in the following subsections (i) through (iv) . At least ninety (90) days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the town a report which contains the following information:

(i) All information required by § 18-208(3)(a), (b), (c)(i), and (e);

(ii) Information required by § 18-208(3)(f), based on a representative sample obtained immediately downstream from pretreatment facilities if such exist, or immediately downstream of the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and

concentrations necessary to apply the combined waste stream formula. Sampling shall be performed in accordance with § 18-209(4). The report shall indicate the time, date, place of sampling, and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. When an alternate concentration or mass limit has been calculated, this limit along with supporting data shall be included.

(iii) **Compliance certification.** A statement that has been reviewed by an authorized representative of the industrial user and certified by a professional engineer 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 meet the pretreatment standards and requirements.

(iv) **Compliance schedule.** 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 this schedule shall be no later than the compliance date established for the applicable pretreatment standard.

(b) **Compliance schedule progress reports.** No later than fourteen (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 date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(c) **Ninety (90) day compliance reports.** Within ninety (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 categorical industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in § 18-208(3), subsections (d) and (f) and § 18-210(2)(a)(iii) and (iv).

(d) **Periodic compliance reports.** (i) All significant industrial users shall submit to the superintendent a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit according to the timetable established in the 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 to be submitted. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation necessary to determine the compliance status of the user.

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

(e) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production 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 measure of 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.

(f) The superintendent may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

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

(ii) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must

submit a new request for the waiver before the waiver can be granted for a subsequent individual wastewater discharge permit.

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

(iv) The request for a monitoring waiver must be signed in accordance with § 18-209(10) and must include the certification statement in § 18-209(10).

(v) Nondetectable sample results may be used as a demonstration that a pollutant is not present only if the EPA-approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

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

(vii) Upon approval of the monitoring waiver and the revision of the user's permit by the superintendent, the industrial user must certify each report with the statement in § 18-209(17) that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.

(viii) In the event a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately notify the superintendent and comply with the monitoring requirements of § 18-209(2)(d), or other more frequent monitoring requirements imposed by the superintendent.

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

(g) Reporting requirements for industrial users not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the superintendent at least once every six (6) months (on dates specified by the superintendent) a description of the nature, concentration, and flow of pollutants required to be reported by the user's wastewater discharge permit. In cases where the permit requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the superintendent to determine the compliance status of the user. These reports must be based

on sampling and analysis in the period covered by the report and in accordance with the techniques described in 40 CFR part 136.

(h) All monitoring and compliance reports must be signed and certified in accordance with § 18-209(10) of this chapter.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one (1) satisfactory to the superintendent by June 30, 1991.

All users who propose to discharge or who, in the judgment of the town, 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 users expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewaters. If sampling or metering equipment is also required by the town, 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 town 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 town personnel. There shall be ample room in or near such 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 forty-five (45) days and shall recommend to the industrial user 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.

(f) Wastewater monitoring and flow measurement facilities must be properly operated, kept clean, and maintained in good working

order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(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 EPA shall be followed in all self-monitoring activities.

(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 EPA under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA.

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

(f) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Alternately, pH compliance may be assessed through the use of a strip-chart or a circular chart over the monitoring period from a continuous pH recorder, at the discretion of the superintendent.

(g) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-209(2)(a) and (c) and 40 CFR 503.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For reports required by § 18-209(2)(d) and 40 CFR 403.12(e) and (h), the superintendent shall specify the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards.

(h) The superintendent shall inspect and sample the effluent from each significant industrial user at least once every twelve (12) months, except where the superintendent has authorized an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical standard, the superintendent must sample for the waived pollutant at least once during the term of the user's permit or control mechanism. In the event that the superintendent determines that a waived pollutant is present in the industrial user's discharge, or is expected to be present due to changes in the facility's operations, the superintendent must begin effluent monitoring of the user's discharge and inspections of the facility at least once every twelve (12) months.

(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 town employee then in charge of the treatment works. Such notification will not relieve the permit holder from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within five (5) days following such 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 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.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employers 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 discharge reporting. The industrial user shall notify the POTW immediately by telephone of any slug discharge, as defined by § 18-207(5) by the industrial user. The notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective action taken by user. Each significant industrial user shall also immediately notify the superintendent of any changes at the facility affecting the potential for a slug discharge.

(7) Notification of the discharge of hazardous wastes. (a) The industrial user shall notify as soon as practicable the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge in to the POTW of a substance which is a listed or characteristic waste under section 3001 of RCRA (42 USCA § 6921). 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 wastes constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following twelve (12) months. The notification must take place within one hundred eighty (180) days after notification by the superintendent. 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 subsection during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in any calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of hazardous waste do not require additional notification, except for the acute hazardous wastes.

(c) In the case of new regulations under section 3001 of RCRA (42 USCA § 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW of the discharge of such substance within ninety (90) days of the effective date of such regulations, except for the exemption in subsection (b) of this section.

(d) In the case of any notification made under this section, the industrial 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.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(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 industrial 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 (33 USCA § 1311), as amended, governing false statements, representation, or certifications in reports required under the Act.

(10) Signatory requirements for industrial user reports. The permit applications and monitoring and compliance 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 permit applications, certifications, and monitoring and compliance 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 purposes of this subsection, a "responsible corporate officer" is:

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

(ii) The manager of one (1) or more manufacturing, production or operation facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and

accurate information for control mechanism requirements; and where 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 the reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representative of the individual designated in subsection (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b).

(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 subsection (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 subsection (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 industrial user indicates a violation, the user shall notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (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 town performs sampling at the industrial user at a frequency of at least once per month.

(b) The town 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.

(c) The town has performed the sampling and analysis in lieu of the industrial user. If the town has performed the sampling and analysis in lieu of the industrial user, the town must repeat the sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in § 18-210 of this chapter monitors any pollutant more frequently than required by the superintendent using approved procedures

prescribed in this section, 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. If possible, this should be submitted at least ten (10) days before the date of the bypass.

(b) An industrial user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (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 twenty-four (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 three (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 industrial user or upon request from the superintendent, the director, or the EPA. This requirement shall also apply to documentation associated with any BMPs established in connection with a pretreatment standard.

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

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

(b) Be available to the public to the extent provided by 40 CFR part 2.302.

If, however, upon showing satisfactorily 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 section. 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 CWA or when relevant in any proceeding under this section or other applicable laws.

(17) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 18-209(2)(f) must certify each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR ____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of ____ (list pollutant[s]) in the wastewaters due to the activities at the facility since filing of the last periodic report under § 18-209(2). (Ord. #79, __ 1990, as replaced by Ord. #181, Dec. 2011)

18-210. Enforcement. (1) Complaints and orders. (a) Should the local administrative officer have reason to believe that a violation of any provision of the ordinance or orders of the board issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may order that a written complaint be served upon the alleged violator(s).

(b) The complaint shall specify the provision(s) of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the mayor and board of aldermen.

(c) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the board as provided in § 18-204, no later than thirty (30) days after the date such order is served; provided, however, that the board may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Additional remedies. In addition to other remedies provided herein, the local administrative officer may issue a show-cause notice to any user who

appears to be violating any provision of this section to show cause why sewer service should not be discontinued. The notice shall include the nature of the violation with sufficient specificity as to the character of the violation and the date(s) which such violation(s) occurred to enable the user to prepare a defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the proposed action, except in the event of an emergency. At the show-cause hearing, the user may present any defense to such charges, either in person or through submission of written or documentary proof. Following the hearing or opportunity for a hearing, the local administrative officer may at the discretion of the local administrative officer order termination of sewer service if satisfied from all available proof that the violation was willful and the termination is necessary to abate the offending condition or to prevent future violations. The local administrative officer may terminate service for a period not to exceed one (1) year for a willful violation and may terminate service indefinitely to abate offending conditions or prevent future violations subject to the correction of such conditions or violations by the user.

Any violation of provisions of this ordinance that is not corrected or abated following a notice and opportunity for a hearing shall be grounds for termination of water service and/or plugging of the sewer line. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

(3) Emergency termination of service. (a) 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 of the pretreatment agency, 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.

(b) 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(s) to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual costs incurred by the superintendent in meeting the emergency.

(c) In the event such emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as practicable 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 action should the proof warrant such action.

(4) Hearings. (a) Any hearing or re-hearing brought before the board 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 thirty (30) days written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition unless the superintendent and the petitioner agree to a postponement.

(ii) The hearing provided may be conducted by a board at a regular or special meeting. A quorum of the board 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 board in conjunction with the findings of fact and conclusions of law made pursuant to subsection (6) of this section. 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 the costs of preparation.

(iv) In connection with the hearing, the chairman 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 case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Meigs County shall have jurisdiction upon the application of the board or 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) Any member of the board may administer oaths and examine witnesses.

(vi) On the basis of the evidence produced at the hearing, the board 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 thirty (30) days following the close of the hearing by the person or persons designated by the chairman.

(vii) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed pursuant to §§ 18-210(4) or 18-210(5) shall comply therewith

immediately but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the board.

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

(x) The party at the hearing bearing the affirmative burden of proof shall first call witnesses, which shall be followed by witnesses called by other party. Rebuttal witnesses shall be called in the same order. The chairman 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 board. The board, the superintendent, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(xi) Any person aggrieved by any 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 board under the provisions of this section. A written notice of appeal shall be filed with the superintendent and the chairman, 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 chairman upon the filing of such appeal, and the board may, at members' 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.

(xii) The vice chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his place.

(A) 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 out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(5) Civil penalty.

(a) (i) Any person, including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for 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 system.

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

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

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

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

(B) Any person or industrial 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 board. If a petition for review of the assessment is not filed within thirty (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.

(D) In assessing the civil penalty, the superintendent may consider the following factors:

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

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

(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 by the violator to cease the violation.

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

(7) The economic benefit gained by the violator.

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

(iii) The board 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 violation of Tennessee Code Annotated, § 69-3-115(a). Provided, however, the sum of penalties imposed by this section and by § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(c) In addition to the civil penalties described above, certain violations may be subject to criminal penalties under Tennessee Code Annotated, § 69-3-115(b) and (c).

(6) Assessment for noncompliance with program permits or orders.

(a) The superintendent may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or industrial user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. Tennessee Code Annotated, §§ 69-3-123, 69-3-125, or §§ 18-210(5) or 18-210(9) of this municipal code.

(b) If an appeal from such assessment is not made to the board by the polluter or violator within thirty (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 Tennessee Code Annotated, §§ 69-3-123 through 69-3-129 or § 18-210(5) through 18-210(9) of this municipal code, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, 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 the assessment.

(7) 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 industrial user who is alleged to have violated or is about to violate the pretreatment program, Tennessee Code Annotated, §§ 69-3-123 through 69-3-129, §§ 18-210(5) through 18-210(9) of this code or orders of the board. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

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

(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 industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (d) below.

(c) Show-cause hearing. The superintendent may order any industrial user which causes or contributes to a violation of this section or wastewater permit or 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 ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) **Compliance order.** When the superintendent finds that an industrial user has violated or continues to violate this section or a permit or order issued thereunder, he may issue an order to the industrial 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 an industrial 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 appropriate remedial or preventative action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(9) **Assessment of damages to users.** When the discharge of waste or any other act or omission causes an obstruction, damage, or any other impairment to the town's facilities which causes an expense or damages of whatever character or nature to the town, the superintendent shall assess the expenses and damages incurred by the town to clear the obstruction, repair damage to the facility, and otherwise rectify any impairment, and bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the town. If the person responsible refuses to pay, then the superintendent shall forward a copy of the statement and documentation of all expenses to the town's attorney who shall be authorized to take appropriate legal action.

(10) **Disposition of damage payments and penalties.** All damages and/or penalties assessed and collected under the provisions of §§ 18-210(5) through 18-210(9) 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.

(11) Enforcement response plan. The town will develop and implement an enforcement response plan to assist in carrying out the provisions of this chapter. This plan will contain procedures indicating how the town will investigate and respond to instances of industrial user noncompliance. In general, the plan will:

(a) Describe how the town will investigate instances of noncompliance;

(b) Describe the types of escalating enforcement responses the town will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(c) Identify (by title) the official(s) responsible for each type of response;

(d) Reflect the town's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in this chapter.

(12) Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the town may take other action against any user when the circumstances warrant. Further, the town is empowered to take more than one (1) enforcement action against any noncompliant user. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-211. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the town's sewer system 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) Actual wastewater volume. When charges and fees are based upon water usage and/or discharge and where, in the opinion of the town, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal 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 community 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 town.

(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 town. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the town shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and industrial flows from industrial users for purposes of calculating charges based upon industrial wastewater flows alone, users shall install a meter of a type and at a location approved by the town. For users where, in the opinion of the town, it is unnecessary or impractical to install such a meter, the volume of the domestic and industrial wastewater shall be based upon an estimate prepared by the users and approved by the town. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

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 Clean Water Act. 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 town'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.¹ 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.
- (e) Fees for permit applications.
- (f) Charges and fees based on wastewater constituents and characteristics.
- (g) Fees for discharge of holding tank wastes.
- (h) Inspection fees.
- (i) Permitted user maintenance fees.

(3) Basis for 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:

¹Charges and fees are of record in the office of the recorder.

BOD ₅	-	300 mg/l
Suspended solids	-	300 mg/l
Ammonia-Nitrogen	-	30 mg/l
Oil and Grease	-	80 mg/l
Volume	-	300 gpd per domestic premise

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 volume.

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

The user charge will be computed from a base charge plus a 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 the 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 or OM&R per unit of time.

C_t = Total OM&R cost per unit of time, less cost recovered from surcharges.

V_t = Total volume contribution from all users per unit of time.

V_u = Volume contribution from a user per unit of 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 surcharges. 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, SS, and/or other elements in normal wastewater as defined by § 18-212(3). The amount of the surcharge will be determined by the following formula:

$$Cs = (Bc \times B + Sc \times S + Pc \times P) 8.34 Vu$$

Where:

Cs	=	Surcharge for wastewaters exceeding the strength of normal wastewater expressed in dollars per billing period.
Bc	=	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.
Sc	=	OM&R cost 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.
Pc	=	OM&R cost 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 surcharges will be established by the town.
Vu	=	Volume contribution of a user per billing period in million gallons based on a twenty-four (24) hour average for billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the town is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken when necessary, but in no case less frequently than annually.

(d) Pretreatment program charges. Permitted industrial users may be required to pay a separate pretreatment program charge to help defray the expense of implementing and administering the pretreatment program. The pretreatment program charge may reflect costs incurred by the town in connection with any of the following:

- (i) Industrial user monitoring undertaken by the town for verification of compliance.
- (ii) Review of permit applications and issuance of wastewater discharge permits.
- (iii) Periodic review and updating of local limits.
- (iv) Preparation of semiannual pretreatment program reports.
- (v) Monitoring at the POTW in connection with semiannual pretreatment program reports.

(vi) Annual or semiannual inspections of industrial user's wastewater facilities.

(vii) State pretreatment program annual fees.

The pretreatment program charge may be assessed on an annual or semiannual basis to permitted industrial users.

(5) Review of OM&R charges. The town 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 town 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 operation and maintenance for the next year and adjust the rate 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 section 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 town to collect wastewater charges from customers who utilize private or public water supplies from other utilities and who discharge wastewater to the town.

(9) Collection. Wastewater charges and fees imposed by this section shall be collected by the town in a manner established by the mayor and board of aldermen.

(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 federal law.

(11) Adjustments. The town shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of town meters, leaks, or other recognized adjustments. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-213. Administration of sewer system. (1) Mayor and board of aldermen. In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

(a) To recommend from time to time that it amend or modify the provisions of this chapter.

(b) To grant exceptions pursuant to the provisions of § 18-207(8) hereof, 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 any provision of this chapter.

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

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

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

(g) The board, acting through its chairman, 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 board.

(h) The chairman, vice chairman, or chairman pro tem shall be authorized to administer oaths to people giving testimony before the board.

(i) The board shall hold annual meetings and special meetings as the board deems necessary.

(2) Superintendent. (a) Superintendent and staff. The superintendent and his or her staff shall be responsible for the administration of all sections of this chapter. Administratively, the superintendent shall be appointed by and shall report to the mayor and board of aldermen.

(b) Authority of superintendent. The superintendent shall have the authority to enforce all sections of this chapter. The superintendent shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. 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 this 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) Superintendent to assist board. The superintendent shall attend all meetings of the town, or when it is necessary for the superintendent to be absent, a designated representative shall be sent to make reports to and assist the board in the administration of this section.

(e) Notice of national pretreatment standard. The superintendent shall notify industrial 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 (42 U.S.C. 6921), 3304 (42 U.S.C. 6924), or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the superintendent to notify industrial users shall not relieve the users from the responsibility of complying with these requirements.

(f) Public participation notice. The superintendent shall comply with the participation requirements of 40 CFR, part 25, in the enforcement of national pretreatment standards. The superintendent shall at least annually provide meaningful public notification in a newspaper of general circulation within the jurisdictions served by the POTW of all significant industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

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

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement (including instantaneous limits) times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for toxic pollutants, except pH).

(iii) Any other violation of a pretreatment effluent limit (instantaneous, daily maximum or longer-term average, or narrative standard) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of 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 ninety (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, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within forty-five (45) days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include violation of a BMP, which the superintendent determines may adversely affect the operation or implementation of the local pretreatment program.

(g) Regulations and standards authorized. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this chapter 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. Such rules and regulations shall be ratified and adopted by the mayor and board of directors.

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

(i) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

18-214. Validity. (1) Conflict. All ordinances and parts of ordinances inconsistent with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

(2) Savings clause. If any provision, section, subsection or word of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, sections, subsections and words shall not be affected and shall continue in full force and effect. (Ord. #79, ___ 1990, as replaced by Ord. #181, Dec. 2011)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Water department to comply with law, establish program.
- 18-303. Cross-connections, etc., unlawful except under certain circumstances.
- 18-304. Certain persons to file statements of non-existence of cross-connections, etc.
- 18-305. Inspections.
- 18-306. Right of entry -- obtaining information.
- 18-307. Reasonable time to remove existing cross connections, etc. -- effect of failure to remove.
- 18-308. Protective devices -- when required, installation, testing.
- 18-309. Protection from contamination -- warning signs.
- 18-310. Conditions of chapter to be met for water service; conditions apply inside and outside town.
- 18-311. Penalties.

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

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

¹Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1970 Code, § 8-301)

18-302. Water department to comply with law, establish program. The Decatur Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1970 Code, § 8-302)

18-303. Cross-connections, etc., unlawful except under certain circumstances. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection 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 Decatur. (1970 Code, § 8-303)

18-304. Certain persons to file statements of non-existence of cross connections, etc. 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 the 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. (1970 Code, § 8-304)

18-305. Inspections. It shall be the duty of the Decatur Public Water Supply 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 of the Decatur Public Water Supply and as approved by the Tennessee Department of Public Health. (1970 Code, § 8-305)

18-306. Right of entry -- obtaining information. The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Decatur

Public Water Supply 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. (1970 Code, § 8-306)

18-307. Reasonable time to remove existing cross connections, etc. – effect of failure to remove. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the waterworks of the Decatur Public Water Supply.

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 Decatur 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.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility 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 is corrected immediately. (1970 Code, § 8-307)

18-308. Protective devices – when required, installation, testing. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected. The superintendent of the waterworks of the Decatur 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 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 the waterworks 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 Decatur 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 superintendent of the waterworks or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the 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 water supply 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 the waterworks of the Decatur Public Water Supply.

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 Decatur Public Water Supply.

(5) All new Town of Decatur water customers shall have double check valves installed prior to water service cut-on.

(6) All current water service customers whose system poses a cross connection problem shall have double check valves or reduced pressure back flow preventers installed immediately upon advice of the director of public works. (1970 Code, § 8-308, as amended by Ord. #60, May 1987)

18-309. Protection from contamination -- warning signs. The potable water supply made available to premises served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1970 Code, § 8-309)

18-310. Conditions of chapter to be met for water service; conditions apply inside and outside town. The requirements contained herein shall apply to all premises served by the Decatur Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of 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 Decatur corporate limits. (1970 Code, § 8-310)

18-311. Penalties. 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 thereof, shall be fined in accordance with the general penalty clause of this code. (1970 Code, § 8-311)

CHAPTER 4**FLUORIDATION****SECTION**

18-401. Authorization for fluoridation.

18-402. Cost of fluoridation.

18-401. Authorization for fluoridation. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of Decatur, Tennessee, and to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply. (1970 Code, § 8-401)

18-402. Cost of fluoridation. That the cost of such fluoridation will be borne by the revenues of the water department. (1970 Code, § 8-402)