

## TITLE 18

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

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#### CHAPTER 1

#### WATER

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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 Town of Huntingdon and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" shall mean any person, firm, group, or corporation who receives public water service from the town under either an express or implied contract.

(2) "Household" shall mean any two (2) or more persons living together as a family group, and is synonymous with the term "family unit."

(3) "Dwelling" shall mean any single structure together with all auxiliary buildings, which is used for residential purposes, and which may contain one or more "dwelling units."

(4) "Dwelling unit" shall mean any portion of a residential dwelling which is provided with separate facilities for sleeping, cooking and bathing, and which is occupied by one (1) or more persons for residential purposes. Each such unit in a multiple dwelling, apartment, tenement, etc., shall, for the purposes of this regulation, be deemed a "dwelling unit."

(5) "Premise" shall mean any structure, or group of related structures, operated as a single business or enterprise, provided, however, that the term "premise" shall not apply to structures used for commercial rental residential dwellings.

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

(7) "Due date" shall mean the 10th day of each month following the month for which service is billed, except when some other date may be provided by specific contract. Where the 10th of the month falls on a weekend or holiday, the "due date" shall be the first regular working day of the town following the 10th. The "due date" is the last date upon which the utility bill can be paid without a ten percent (10%) "late charge" being added. This late charge shall be applied to both the water and sewer charges on the bill.

(8) "Cut-off date" shall mean the 20th day of each month following the "due date" for the bill for services provided, except when some other date may be provided by specific contract. This is the date upon which water service may be discontinued without further notice to the customer for non-payment of the water bill. Where the 20th falls on a weekend or holiday, the "cut-off date" shall be the first regular working day of the town following the 20th. (1978 Code, § 13-102, as amended by Ord. #343, June 1994)

**18-103. Obtaining service.** An application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103)

**18-104. Application and contract for service.** 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 such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish said service.

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

All residential customers furnishing legal documents showing ownership of the property, shall be required to pay a thirty dollar (\$30.00) water meter charge with their application for water service before such service is provided. All other residential customers shall be required to pay a one hundred dollar (\$100.00) water meter charge with their application for water service. Commercial and industrial customers shall be required to pay a fifty dollar (\$50.00) water meter charge. These meter charges may be applied as a credit toward the payment of the customer's final bill upon termination of water services. (1978 Code, § 13-104, as amended by Ord. #343, June 1994, and replaced by Ord. #481, June 2005)

**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. (1978 Code, § 13-105)

**18-106. Charges and fees – general.** Service lines will be laid by the town from its mains to the property line at the expense of the town. The location of such lines will be determined by the town. When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion

of the service line beyond the meter box shall belong to and be the responsibility of the customer.

(1) Connection charge. Before a new service line will be laid by the town, the applicant for service shall pay a connection fee of the following amount to the town (see (4) below for contractors):

- (a) For a 3/4" service line . . . . . \$ 400.00
- (b) For a 1" service line . . . . . \$ 500.00
- (c) For a 1 1/2" service line . . . . . \$ 750.00
- (d) For a 2" service line . . . . . \$1,100.00
- (e) For a 3/4" service line outside corporate limits . \$ 650.00

Should the actual cost to the town for said connection exceed the minimum charge, there shall be added to this minimum fee a sum representing the actual cost of labor and materials in excess the tap fee.

(2) Transfer fee. Each customer who wishes to transfer their account from one (1) location within the town to another location, without a lapse in service, shall be charged a transfer fee in the sum of twenty-five dollars (\$25.00) for each such transfer of account, and shall be billed such fee on the first billing at the new location.

(3) Temporary suspension of service fee. Customers who wish to have their water service suspended temporarily (i.e. for vacation periods, etc.) shall be charged a temporary suspension of service fee in the sum of twenty-five dollars (\$25.00) for each period of suspension, and shall pay such fee on the first billing after reconnection of such service.

(4) Inspection fee. Contractors and/or developers who will install all the water mains, service lines, meters, meter boxes, and all other supplies and labor required to connect the units being constructed to the town's water system, and who bear the full cost of such construction - without any expense to the town - shall be assessed an inspection fee in the sum of \$50.00 for each individual unit so connected in lieu of the connection charge required by paragraph (1) above. Such fee(s) shall be paid to the town prior to any connection to the town's public water system. Ownership of such newly constructed systems shall be as outlined in "general," above.

(5) Reconnection fee. The specific amount of these fees for reconnection of water service after discontinuation (cut-off) for failure to pay a bill is contained in § 18-117 below. (1978 Code, § 13-106, as amended by Ord. #343, June 1994, Ord. #371, Aug. 1995, Ord. #377, June 1996, Ord. #481, June 2005, and Ord. #495, Sept. 2006)

**18-107. Main extensions to developed areas.** The provisions of this section shall apply only to water main extensions of 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.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the town the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 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 town 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 persons acceptable to the town at which times prorata amounts of the cash deposit shall also be returned to the depositors. (1978 Code, § 13-107)

**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, pipe meeting American Water Works Association Standards, 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 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; A.W.W.A. approved pipe two (2) inches in diameter, 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 town.

Upon completion of such extensions and their approval by the town, such water mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water 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. (1978 Code, § 13-108)

**18-109. Variances from and effect of preceding rules as to extensions.** Whenever the town council 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 the town council.

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 town to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-109)

**18-110. Main extensions outside town corporation limits.** Any and all extensions of the town's public water distribution system outside the town's corporate limits shall require prior approval of the town council. The construction of all such extensions shall be by, or under the supervision of, the town's public utility department and shall be consistent with prevailing state and municipal rules and regulations for water line construction. All such extensions shall become a part of the town's public water distribution system. Any charges or fees to be required of recipients of water services from such extension outside the corporate limits shall be established and approved by the governing body prior to each construction.

Effective July 1st, 1994, ownership of all existing private water lines, either within or without the town's corporate limits, which are connected to the town's public water distribution system and which have not been incorporated into said system must become a part of the town's public water distribution system. This may be accomplished by dedication of such water lines or systems to the Town of Huntingdon by the owners or operators thereof by proper legal instruments, subject to the review and approval of the town attorney and acceptance of such dedication by the town council.

If an area is annexed by the town where privately owned mains are located, all mains shall become the property of the Town of Huntingdon. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with all town rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1978 Code, § 13-109, as amended by Ord. #343, June 1994)

**18-111. Meters.** All water furnished to any and all customers of the town shall be provided only through the appropriate water meter. All customers of the system, including departments or activities of the town, shall be metered and charged for all water used at the prevailing rates. In those rare cases where water is supplied through a non-metered source, such as a fire hydrant, the Public Utility Department shall make a reasonable estimate of the volume of water used, which shall be charged at the prevailing rates. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or

other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

Water customers who unlawfully reconnect to the town's public water system after having been disconnected by the town's public utility department may, in addition to other legal remedies, with the review and approval of the town council, be denied access to the town's public water distribution system. (1978 Code, § 13-110, as amended by Ord. #343, June 1994)

**18-112. Meter tests.** The town will, at its own expense, make routine tests of meters when it considers such tests desirable. In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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

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

<u>Meter Size</u>	<u>Test Charge</u>
3/4", 1"	\$7.50
1-1/2", 2"	10.00
3"	12.50
4"	12.50
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the Town of Huntingdon. (1978 Code, § 13-111)

**18-113. Schedule of rates.** Effective with the January 2010 billing, the following rates for the sale of water of the town based on the measured or estimated volume to the nearest multiple of one hundred (100) gallons are established as follows on a monthly basis:

## (1) Water Rates - Inside Corporate Limits:

<u>Usage</u>	<u>Rate</u>
0 - 2,000 gallons	\$9.78 (minimum charge)
2,100 - 10,000 gallons	\$5.41 per 1,000 gallons
10,100 - 100,000 gallons	\$4.58 per 1,000 gallons
100,100 - 500,000 gallons	\$4.19 per 1,000 gallons
500,100 - and over	\$2.10 per 1,000 gallons

## (2) Water Rates - Outside Corporate Limits:

<u>Usage</u>	<u>Rate</u>
0 - 2,000 gallons	\$12.81 (million charge)
2,100 - and over	\$7.54 per 1,000 gallons

(3) Special Commercial Water Rates: The bulk sale of treated public water to special customers such as other public water districts, contractors, etc., shall be at the flat rate of \$1.50 per 1,000 gallons.

(a) Should such sale involve connection(s) with the town's public water distribution system, such connections shall be made only in conformance with the plans and specifications approved by the town's consulting engineers, and subject to specific contracts as approved by the town council.

(b) All expenses relative to equipment, supplies or material required to effect the transfer of said water shall be paid by the user. Ownership of the connecting equipment, i.e., pumps, valves, meters, etc., shall be vested in the Town of Huntingdon, and duly maintained by its utility department.

(4) The rate for sprinklers or other similar fire protection charge shall be \$15.00 per month per system. (1978 Code, § 13-112, as amended by Ord. #481, June 2005, and Ord. #519, Oct. 2009)

**18-114. Multiple dwelling units or premises served by a single meter.** (1) Effective September 1, 1985, all conversion of existing residential dwellings or construction of new residential dwellings to provide for multiple dwelling units shall be required to provide a separate water meter for each such dwelling unit. Further, effective the same date, all conversion of an existing structure to contain more than one business or enterprise, or the construction of new structures for this purpose, shall provide a separate water meter for each such premise. Exceptions to this policy will be granted only by specific authorization of the town council in certain circumstances, such as a housing project which will use a master meter and a negotiated rate/billing system.

(2) In those instances where multiple dwellings, dwelling units or premises were authorized water service through a single service line and meter



prior to September 1, 1985, the amount of water used by all the dwellings, dwelling units, or premises served through a single service line and meter shall be allocated to each separate dwelling, dwelling unit or premise so served. The water charge for each such dwelling, dwelling unit or premise thus served shall be computed just as if each such dwelling, dwelling unit or premise had received through a separately metered service the amount of water so allocated to it; that is, the total meter reading shall be divided by the total number of dwellings, dwelling units or premises so served and the applicable rate schedule applied to the prorata meter reading, including the provision for minimum bills. The separately computed charges for each dwelling, dwelling unit or premise so served shall then be added together, and the sum thereof shall be billed to the customer in whose name the meter service is supplied. (NOTE: The sewer users fees and solid waste collection and disposal charges shall be applied to each separate dwelling, dwelling unit or premise in the same manner, and shall be totaled and added to the monthly water bill.)

(3) Water services to mobile home parks shall be supplied through one master meter. The rates for water services for such customers shall be computed as commercial rates as established by the town council.

(4) Exclusion. The policy defined in sub-section (2), above, is not intended for, and shall not apply in those specific instances where the private owner and occupant of a single residential dwelling has provided facilities therein, to include sleeping, cooking and bathing facilities, for a member or members of his or her immediate family, provided that there is no external alteration in the existing structure, and that there is no rent or other charges imposed on such family members. (1978 Code, § 13-113)

**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 town.

Utility bills (which includes water, sewer service and solid waste charges) are mailed out on or about the 25th day of each month for the prior month's consumption, and are to be paid in full on or before the 10th day of the following month, which is the "due date", or the first working day thereafter should the 10th fall on a week-end or a holiday. Customer paying their utility bills in full on or before the "due date" shall pay the "net" amount as shown on the bill. Customers paying their utility bill after the "due date" shall pay the "gross" amount as shown on the bill, which includes a ten percent (10%) "late charge". Failure to receive a water bill will not release the customer from payment obligation, nor extend the "due date".

In the event a bill is not paid on or before five (5) days after the due date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the due date. The town 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 a bill at the regular rate fall on Sunday or a holiday, the business day next following the final date will be the last day to pay without penalty. A remittance received by mail after the due date will be accepted by the town if the envelope is date stamped on or before the final date for payment of the bill.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available.

All current utility bills which are due and payable not later than the 10th day of the month shall become delinquent on the 20th day of that month, or the next working day should the 20th fall on a week-end or a holiday. A delinquent customer's service may be terminated without further notice and shall be subject to reconnection fees as indicated in § 18-117, below. All payments are normally to be made to the department of finance and administration in the Huntingdon Municipal Building. The utility department personnel may only accept payment on delinquent accounts made after normal working hours to prevent discontinuance of water service. Partial payments on customer's accounts will not be accepted. All accounts must be paid in full for continuation of services. (1978 Code, § 13-114, as amended by Ord. #343, June 1994)

**18-116. Discontinuance or refusal of service.** The town council 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 town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

Water services will not be terminated on delinquent accounts without due process if the customer has a bona fide dispute concerning the correctness of a bill, and has filed due notice of same with the department of finance and administration and/or the superintendent of utilities. Should the department of finance and administration or the superintendent of utilities be unable to reach accord with the customer, the customer may appeal the dispute to the

town council for resolution. (1978 Code, § 13-115, as amended by Ord. #343, June 1994)

**18-117. Reconnection fee.** Whenever water service has been discontinued for non-payment, as provided for above, the customer effected shall pay the balance in full on their utility account plus a reconnection fee. This fee shall be fifteen dollars (\$15.00) for reconnections made during the utility department's regular working hours of 7:00 A.M. to 4:00 P.M., Monday through Friday, or twenty-five dollars (\$25.00) for reconnections made at other (non-work) hours. (Ord. #343, June 1994)

**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 town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-117)

**18-119. Access to customers' premises.** The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1978 Code, § 13-118)

**18-120. Inspections.** The town 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 town 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 town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1978 Code, § 13-119)

**18-121. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, § 13-120)

**18-122. Customer's responsibility for violations.** Where the town 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. (1978 Code, § 13-121)

**18-123. Supply and resale of water.** All water shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the town. (1978 Code, § 13-122)

**18-124. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1978 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 town.

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that

no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1978 Code, § 13-124)

**18-126. Damages to property due to water pressure.** The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1978 Code, § 13-125)

**18-127. Liability for cutoff failures.** The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-126)

**18-128. Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1978 Code, § 13-127)

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

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-128)

**18-130. Fluoridation of water supply.** The water department of the Town of Huntingdon is hereby authorized and instructed to make plans for the fluoridation of the water supply of the Town of Huntingdon; to submit such plans to the Department of 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.

The cost of such fluoridation will be borne by the revenues of the water department. (1978 Code, § 13-129)

**18-131. Policy for adjustment of abnormal water/sewer bills.** Any customer of the public utility department of the Town of Huntingdon shall have the right to request an adjustment on his monthly water/sewer bill under the following conditions:

(1) Adjustments due to leakage. A customer of the town's water and sewer services may petition for an adjustment in his monthly water and sewer bill in those cases where there has been a leak in the water line between the town's water meter and the point of use on the customer's property when the customer took appropriate and timely action to repair the leak, and where the leak resulted in a total monthly water and sewer bill which exceeds the previous twelve (12) month average bill by fifty dollars (\$50.00). If the customer has had service for less than twelve (12) months, the monthly average for the total months served will be used.

(a) The superintendent of utilities is authorized to approve two (2) such petitions for adjustments per customer per calendar year.

(b) The adjustment formula for water shall be the average of the monthly water bills for the prior twelve (12) months, or if the customer has had service for less than twelve (12) months, the monthly average for the total months served, plus fifty percent (50%) of the amount billed over this average.

The adjustment formula for sewer shall be to remove all excess sewer charges above a customer's twelve (12) month average, or if the customer has had service for less than twelve (12) months, the monthly average for the total months served.

(Example: A customer has a bill of one hundred fifty dollars (\$150.00). His average charge for water is twenty-five dollars (\$25.00). His adjusted billing for water will be twenty-five dollars (\$25.00) plus fifty percent (50%) of the balance over the average billing of water. The sewer is adjusted to the customer's twelve (12) month average for sewer billing.)

(c) The town council will not consider a petition for such adjustments unless the leakage results in a total monthly water and sewer bill which exceeds two hundred fifty dollars (\$250.00).

(2) Other adjustments. In other cases where complaints of unexplained abnormally high water/sewer bills have been received, the superintendent of utilities will cause an investigation to be made to determine if the meter was read incorrectly; if the bill was calculated incorrectly, or if the meter is malfunctioning. If one of these three situations is the case, the superintendent of utilities will adjust the water/sewer bill in question to the average monthly billing that the customer received over the past twelve (12) months; the months he has had service if less than twelve (12) months, or the average monthly billing since the last water/sewer rate increases if less than twelve (12) months.

(3) Swimming pool adjustments. The adjustment policy for water/sewer bills reflecting the filling of a swimming pool shall be to adjust sewer only. The sewer shall be adjusted to the average of the monthly sewer bills for the prior twelve (12) months, or if customer has had service for less than twelve (12) months, the monthly average for the total months served. (1978 Code, § 13-130, as amended by Ord. #402, July 1998, and Ord. #514, June 2009)

**18-132. Penalty.** Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00), and/or such persons enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate and triable offense. (Ord. #343, June 1994)

## CHAPTER 2

### WASTEWATER COLLECTION AND TREATMENT SYSTEMS

#### SECTION

- 18-201. Purpose and policy.
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**18-201. Purpose and policy.** This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Huntingdon and enables the town to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendments, and the General Pretreatment Regulations (40 CFR, Part 403).

(1) The objectives of this chapter are:

(a) To protect the public health;

(b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which will interfere with the operation of the system or contaminate the resulting sludge;

(c) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW system; and

(e) To provide for the full and equitable distribution of the cost of the POTW system.

(2) This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes



monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

(3) This chapter shall apply to the Town of Huntingdon and to persons outside the town who are, by contract or agreement with the town, users of the POTW. Except as otherwise provided herein, the superintendent of the POTW shall administer, implement, and enforce the provisions of this chapter. (Ord. #344, Aug. 1994)

**18-202. Duties of superintendent of utilities.** The superintendent of utilities shall be charged with the responsibility of supervising and maintaining the publicly owned sewer collection and disposal system (POTW) of the town, and in the further performance of the following specific duties:

(1) To require all owners to connect with the sewer system pursuant to prevailing policies of the town;

(2) To require each user of the sewer system to pay for services furnished;

(3) To bring necessary suits to recover delinquent and unpaid sewer service fees and charges; and

(4) To make periodic reports to the town council relating to the operation of the sewer system. (Ord. #344, Aug. 1994)

**18-203. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq.; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981 PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration.

(5) "Building drain." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the innerface of the building wall. (The term "building" includes all structures - residential, business, commercial or industrial.)

(6) "Building sewer line." A sewer line conveying wastewater from the building to the public sewer. (Also known as a "service line", and is usually the responsibility of the property owner.)

(7) "Categorical pretreatment standards." See national pretreatment standard or pretreatment standard.

(8) "Categorical industrial user." An industrial user subject to categorical or national pretreatment standards.

(9) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one parameter listed in the permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the approval authority.

(10) "Combined sewer." A sewer receiving both surface runoff and sewage.

(11) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(12) "Control authority." The term "control authority" shall refer to the superintendent of the utility department of the Town of Huntingdon.

(13) "Conventional pollutants." Biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform bacteria, oil and grease, and pH(40 CFR 401.16).

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

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

(16) "Domestic waste." Wastewater that is generated by a single family, apartment of other dwelling unit, or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and industrial users.

(17) "Garbage." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food and produce.

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

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

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

(21) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(22) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b),(c), or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

(23) "Industrial user (IU)." A source of non-domestic waste. Any nondomestic source discharging pollutants to the POTW.

(24) "Industrial wastewater discharge permit." As set forth in § 18-210(3) of this chapter.

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

(26) "Interference." An indirect discharge which alone or in conjunction with an indirect discharge or discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore, 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

(27) "National pretreatment standard or pretreatment standard." Any regulation promulgated by the EPA in accordance with Section 307 (b) and (c)

of the Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTW (40 CFR 403.6 and 405-471). This term includes the national prohibited discharge standards under 40 CFR 403.5, including local limits [40 CFR 403.3(j)].

(28) "National prohibitive discharges." Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

(29) "Natural outlet." Any outlet into a ditch, watercourse, pond, lake, other body of surface or groundwater.

(30) "New source." Any building, structure, facility of installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national 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:

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

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

(c) The production or wastewater-generating 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; and,

(i) Construction on the 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 this paragraph but otherwise alters, replaces, or adds to the existing process or production equipment; and

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

(A) Begun, or caused to begin as part of a continuous on-site construction program;

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

(C) Entered into a binding contractual obligation for the purchase of facilities or equipment which are

intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

(31) "National Pollutant Discharge Elimination System or NPDES Permit." A permit issued pursuant to Section 402 of the Act.

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

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

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

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

(36) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. [40 CFR Section 403.3(q)].

(37) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user, including but not limited to discharge limits, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(38) "Prohibited discharge." Discharge of a pollutant which may cause pass-through or interference to the POTW, pursuant to 40 CFR 403.5.

(39) "Properly shredded garbage." The waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (1.27 centimeters) in any dimension.

(40) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW

from persons outside the town who are, by contract or agreement with the town, users of the POTW.

(41) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater. (Can also include wastewater treatment lagoons.)

(42) "Shall" is mandatory: "May" is permissive.

(43) "Sanitary sewer." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(44) "Significant industrial user." Any industrial user of the POTW system who is a categorical industrial user; or has a discharge flow to the POTW of 25,000 gallons or more per average work day of process wastewater (excluding sanitary, non-contract cooling and boiler blowdown wastewater); or has process wastewater discharge flow or conventional pollutant waste load greater than 5% of the dry weather hydraulic or organic flow or waste load in the POTW system; or has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Tennessee Statutes or rules; or is found by the town, Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the POTW's effluent quality, or air emissions generated by the POTW system.

(45) "Significant noncompliance (SNC)." Any violation of pretreatment requirements which meet one or more of the following criteria:

(a) "Violations of wastewater discharge limits:

(i) Chronic violations,

(ii) Technical review criteria (TRC) violations,

(iii) Any other violation(s) of an industrial wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass through; or endangered the health of the POTW personnel or the public, or

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

(b) Violations of compliance schedule milestones, contained in an enforcement order by 90 days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

(c) Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring

reports, 90-day compliance reports and periodic reports) within 30 days from the due date.

(d) Failure to accurately report noncompliance.

(46) "Significant violation." A violation which remains uncorrected 45 days after notification of noncompliance which is part of a pattern of noncompliance over a twelve-month period, which involves a failure to accurately report noncompliance, or which resulted in the POTW exercising its emergency authority under CFR 403.8 (f) (l) (vi) (b).

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

(48) "State." State of Tennessee.

(49) "Standard industrial classification (SIC)" A classification pursuant to the Standard Industrial Classification Manual issued by the Executive office of the President, Office of Management and Budget, 1987.

(50) "Storm drain." A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water (sometimes termed "storm sewer").

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

(52) "Subsurface sewage disposal system." A septic tank and related dispersion field or leach beds (normally a private system).

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

(54) "Surcharge." A fee charged to industrial users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

(55) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(56) "Technical review criteria (TRC) violation." The term used to describe violations of an industrial wastewater discharge permit when:

(a) The limit for biochemical oxygen demand, total suspended solids, ammonia nitrogen, fats, oil and grease is exceeded by 140 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the approval authority.

(b) The limit for any other pollutant, except pH, is exceeded by 120 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the approval authority.

(57) "Town." The Town of Huntingdon and/or the mayor and council of the Town of Huntingdon.

(58) "Toxic pollutant." Any pollutant or combination of pollutants listed a toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act (40 CFR 403 Appendix B).

(59) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

(60) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(61) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. #344, Aug. 1994, as amended by Ord. #355, Jan. 1995).

**18-204. Abbreviations.** The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand.
CFR	-	Code of federal regulations.
COD	-	Chemical oxygen demand.
EPA	-	Environmental Protection Agency.
l	-	Liter.
mg	-	Milligrams.
mg/l	-	Milligrams per liter.
NH <sub>3</sub> -N	-	Ammonia.
NPDES	-	National pollutant discharge elimination system.
POTW	-	Publicly-owned treatment works.
SIC	-	Standard industrial classification.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
USC	-	United States Code.
TSS	-	Total Suspended Solids.

(Ord. #344, Aug. 1994)



**18-205. Use of public sewers required.** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(1) It shall be unlawful to discharge to any waters of the state within the town, or in any area under the jurisdiction of the town, any untreated wastewater.

(2) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(3) The owners of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the town, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within ninety (90) days after official notice to do so at the place and in the manner as directed by the superintendent, with the following exception:

(a) Where a POTW sanitary sewer is not available within 500 feet of the building drain, the building drain shall be connected to a private subsurface sewage disposal system (PSSDS) complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, Division of Groundwater Protection chapter 1200-1-6, New and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems, subject to prior review and approval by the appropriate state official and the superintendent.

(b) Where the building is connected to a properly functioning and adequate PSSDS, the user may continue to use such system until such time as it ceases to function properly or requires major repairs or replacement at which time the building must be connected to the POTW sewer.

(c) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to 1/8-inch per linear foot in the building sewer, and where the site cannot receive state approval for the installation of a private subsurface sewage disposal system or the replacement of an existing system, but is otherwise accessible to a public sewer as provided in section (a) above, and the owner desires to connect to the public sewer system, he or she may be permitted to do so by installing a private sewage pumping station thereon, subject to the approval of the town. Such owner shall be

responsible for all cost incidental to the installation and operation of such pumping station(s). (Ord. #344, Aug. 1994)

**18-206. Building sewers and connections.** (1) General. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the superintendent. All cost and expense incidental to the installation and connection of the building sewer in excess of established connection fees shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(a) A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(b) Old building sewers may be used in connection with new buildings only when they are found on examination and testing by the superintendent to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(2) Building sewer construction. Building sewers shall conform to the following requirements:

(a) The minimum size of a building sewer shall be six (6) inches.

(b) The minimum depth of a building sewer shall be eighteen (18) inches.

(c) Six (6) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(d) Slope and alignment of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of cast iron soil pipe or ductile iron pipe with compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(f) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A

"Wye" (Y) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

(g) Connections of building sewer lines to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building sewer line shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

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

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer line which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) An installed building sewer line shall be gastight and watertight.

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

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

(3) Inspection of connections. (a) The sewer connection and all building sewer lines from the building to the public sewer main line shall be inspected by the superintendent or his authorized representative before the underground portion is covered.

(b) The applicant for discharge shall notify the superintendent when the building sewer line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer lines located on private property to insure that the building sewer line is watertight. This maintenance will include repair or replacement of the building sewer lines as deemed necessary by the superintendent to meet specifications of the town. If, upon smoke testing or visual inspection by the superintendent roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewer lines on private property, the superintendent may take any of the following actions.

(a) Notify the property owner in writing of the nature of the problem(s) identified on the property owner's building sewer line and the specific steps required to bring the building sewer line within the requirements of this chapter. All steps necessary to comply with this chapter must be completed within 60 days from the date of the written notice and entirely at the expense of the property owner.

(b) Notify the property owner in writing of the nature of the problem(s) identified on the property owner's building sewer line and inform the property owner that the town will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer lines within the requirements of this chapter. The work on private property will be performed at the town's convenience and the cost of all materials and labor used will be charged to the property owner. The town will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the town during the execution of the work. (Ord. #344, Aug. 1994)

**18-207. General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national,

state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

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

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

(3) Any wastewater having a pH less than 5.0 or more than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant process constitute a hazard to humans or animals; create a toxic effect in the receiving waters of the POTW, or exceed any limitation set forth in a categorical pretreatment standard.

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

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

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which will cause the wastewater temperature at the introduction into the POTW to exceed 40°C (104°F).

(10) Any pollutants, including oxygen-demanding pollutants, such as BOD, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

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

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

(13) Any wastewater containing fats, wax, grease, oil or other substances which may solidify or become viscous at temperatures between 0°C (32°F) and 40°C (104°F).

(14) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(15) When the superintendent determines that an industrial user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall advise the industrial user(s) of the impact of the contribution on the POTW and develop effluent limitation(s) for such industrial user to correct the interference with the POTW.

(16) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated herein, and which in the judgement of the superintendent, may have a deleterious effect upon the POTW, process,

equipment, or receiving waters, or which otherwise create a hazard to life constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the waste not covered by existing fees or sewer charges under the provisions of this chapter. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. #344, Aug. 1994, as amended by Ord. #355, Jan. 1995)

**18-208. National categorical requirements.** (1) National categorical pretreatment standards. National categorical pretreatment standards for new and existing sources set out in 40 CFR, Subchapter N, Parts 405 through 471 shall serve as the minimum requirements for all applicable industrial users. Upon the promulgation of national categorical pretreatment standards or a particular industrial subcategory, the national standard, if more stringent than limitations imposed under § 18-204(3) of this chapter, shall apply. The superintendent shall notify all affected industrial users of the applicable reporting requirements under 40 CFR, section 403.12.

(2) Modification of national categorical pretreatment standards. If the POTW system achieves consistent removal of pollutants limited by national pretreatment standards, the town may apply to the approval authority for modification of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent (95%) of the samples taken when measured according to the procedure set forth in Section 403.7 (a) (3) (ii) of Title 40 of the Code of Federal Regulations, Part 403 General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(3) Specific pollutant limitations. (a) Restrictions on wastewater strength. No person shall discharge wastewater containing in excess of:

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Cadmium	0.055	0.110
Chromium (Total)	1.669	3.338
Copper	0.851	1.702
Cyanide	2.420	4.840
Lead	0.391	0.782
Mercury	0.001	0.002
Nickel	1.048	2.096
Total Phenolic Compounds	0.729	1.458
Silver	0.079	0.158
Zinc	2.592	5.184
Total Phthalates	2.4	4.8
1,1,1-Trichloroethane	6.6	13.2
Carbon Tetrachloride	0.52	1.04
Tetrachlorethylene	5.6	11.2
Trichlorethylene	6.6	13.2
1,2 Transdichlorethylene	0.26	0.52
Methylene Chloride	12.5	25.0
Chloroform	2.16	4.32
Ethylbenzene	0.48	0.96
Naphthalene	0.16	0.32
Toluene	2.72	5.44
Benzene	0.30	0.60

\*Based on 24-hour flow proportional composit samples.

Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(b) Criteria to protect the POTW treatment plant influent. The town shall monitor the POTW treatment plant for each parameter in the following table. Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. All industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-210(3)(h), reporting requirements for permittee, and § 18-210(3)(j), inspection and sampling, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the town such remedial



measures as are necessary, including but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

<u>Parameter</u>	Maximum Concentration in (24-Hour Flow) Proportional <u>Composite Sample</u> (mg/l)	Maximum Instantaneous Concentration <u>Grab Sample</u> (mg/l)
BOD	200	400
TSS	200	400
NH <sub>3</sub> -N	20	40
Free Oil and Grease	100	200
Cadmium	0.012	0.024
Chromium	0.353	0.706
Copper	0.185	0.370
Cyanide	0.505	1.010
Lead	0.089	0.178
Mercury	0.0002	0.0004
Nickel	0.265	0.530
Total Phenolic Compounds	0.179	0.358
Silver	0.019	0.038
Zinc	0.588	1.176
Total Phthalates	0.122	0.244
1,1,1-Trichloroethane	0.33	0.66
Carbon Tetrachloride	0.026	0.052
Tetrachloroethylene	0.28	0.56
Trichloroethylene	0.33	0.66
1,2 Transdichloroethylene	0.013	0.025
Methylene Chloride	1.25	2.5
Chloroform	0.108	0.216
Ethylbenzene	0.024	0.047
Naphthalene	0.008	0.016
Toulene	0.136	0.273
Benzene	0.015	0.030

(4) Conventional pollutants. (a) BOD, TSS and NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load

concentrations and mass amounts of biochemical oxygen demand (BOD), total suspended solids (TSS), and ammonia nitrogen (NH<sub>3</sub>-N). If an industrial user discharges concentrations of these pollutants in excess of the criteria to protect the POTW treatment plant influent listing in § 18-208(3)(b) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listing in § 18-208(3)(b) of this chapter for any of the conventional pollutants such as BOD, TSS, and/or NH<sub>3</sub>-N will be subjects to a surcharge. The formula for this surcharge is listed in § 18-205(3) of this chapter. The town also reserves the right at any time to place specific mass or concentration limits for BOD, TSS and/or NH<sub>3</sub>-N on the industrial user if the industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(b) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

(i) "Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One aliquot of sample shall be extracted with freon using EPA method 413.1, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until any emulsion breaks. The sample shall then be extracted with freon using EPA method 413.1. The result of this analysis will be considered "total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

(ii) If an industrial user discharges concentrations of "free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 18-208(3)(b) of this chapter for "free" oil and grease, added operation and maintenance costs will be incurred by the POTW.

(iii) Therefore, any industrial user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-208(3)(b) for "free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed in § 18-209(5) of this chapter. The town also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease on the industrial user if the industrial user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

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

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

(7) Excessive discharge. No industrial user shall ever increase the use of process water or, in any way, attempt to dilute a discharge by adding wastewater that would not have been generated except for use as a dilutant as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.

(8) Accidental discharges. (a) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The industrial user shall sample and analyze for the parameters thought to have been violated within 24 hours after discovery of the accidental discharge and report the results of the sample analysis to the town [40 CFR 403.12(g)].

(i) Written notice. Within five (5) days following an accidental discharge, the industrial user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial 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 industrial user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #344, Aug. 1994, as amended by Ord. #381, Aug. 1996)

**18-209. Recovery of cost.** It is the purpose of this section to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(1) Connection and/or inspection fee. No permit to connect to the town's POTW shall be granted unless the applicant first pays to the town a sewer connection charge or inspection fee as follows:

(a) For individual applicants for a residential or business connection, the minimum fee shall be seven hundred dollars (\$700.00). Should the actual cost to the town for said connection exceed the minimum charge, there shall be added to this minimum fee a sum representing the actual cost of labor and materials in excess of seven hundred dollars (\$700.00).

(b) For contractor/developer applicants who are engaged in construction of sub-divisions or other development, and who will bear all cost of installation of all sewer mains, manholes, lateral lines and all other supplies and labor to install a complete sewer collection system within the construction area to include connecting the individual structures to said system, there shall be an inspection fee of one hundred dollars (\$100.00) for each structure or unit connected.

(2) Sewer service charges. Sewer service charges (or user fees) shall be collected from the person(s) or firm(s) billed for public water service to any building which is accessible to the public sanitary sewer. Accessible shall be deemed to mean a public sewer is within five hundred feet (500') of the building drain of said building. The sewer charge shall be based in the monthly volume of water metered to the premise; shall be billed on a monthly basis; shall be included with the monthly water bill and with charges collected as a single unit. No municipal employee shall accept payment of the water service charges from any customer without receiving at the same time payment of all sewer services charges owed by such customer. Water and sewer services may be discontinued for nonpayment of the combined bills. Effective with the January 2010 billing, the following sewer service charges based on gallonage of water metered to the premise shall apply:

## (a) Sewer service charge - inside corporate limits:

<u>Usage</u>	<u>Rate</u>
First 2,000 gallons	\$13.70 (minimum charge)
Over 2,100 gallons	\$3.52 per 1,000 gallons

## (b) Sewer service charge - outside corporate limits:

<u>Usage</u>	<u>Rate</u>
First 2,000 gallons	\$17.13 (minimum charge)
Over 2,100 gallons (metered in 100 gallon units)	\$4.36 per 1,000 gallons

(3) BOD test fee. For providing laboratory services for the conduct of BOD test for adjacent communities or utility districts, there shall be a flat fee of \$50.00 per lagoon or sample tested.

(4) Charges and fees. The town may adopt charges and fees which may include the following fees which relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

(a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;

(b) Fees for monitoring, inspections, and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit applications;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards; and

(g) Other fees as the town may deem necessary to carry out the requirements contained herein.

(5) Surcharge formula. If a user discharges in excess of the guidelines for conventional pollutants, as described in §§ 18-208(4) and 18-208(5), it will cause added operation and maintenance costs to be incurred. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. The formula for this surcharge is listed below. The town also reserves the right to, at any time, place firm limits on the user if the user's discharge of the excessive strength of wastewater causes the wastewater treatment plant to violate its NPDES permit.

$$\begin{array}{l}
 \text{Base Sewer} \\
 \text{Bill for} \quad \times \\
 \text{Monthly Usage}
 \end{array}
 \times
 \begin{array}{l}
 \text{Actual Monthly Average of} \\
 \text{Parameter Concentration (mg/l)} \\
 \text{24-Hour Flow Proportional} \\
 \text{Composite Sample Criteria to} \\
 \text{Protect the POTW Treatment} \\
 \text{Plant Influent}
 \end{array}
 =
 \begin{array}{l}
 \text{Base Sewer} \\
 \text{Bill for} \\
 \text{Monthly Usage}
 \end{array}$$

(Ord. #344, Aug. 1994, as amended by Ord. #377, June 1996, Ord. #381, Aug. 1996, Ord. #417, June 1999, Ord. #495, Sept. 2006, and Ord. #519, Oct. 2009)

**18-210. Administration.** (1) Wastewater discharge permits. There shall be two classes of building sewer permits; one for residential and commercial users, and one for service to industrial users. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of ten dollars (\$10.00) for industrial users shall be paid to the town at the time the application is filed.

(2) Residential, commercial and institutional wastewater discharge permits. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the POTW system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the POTW shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with §§ 18-204 and 18-205 of this chapter, and an inspection has been performed by the superintendent or his representative.

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

(3) Industrial wastewater discharge permits. (a) General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain an industrial wastewater discharge permit within 180 days after the effective date of this chapter.

(b) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 CFR 403.6 (a) (2) (ii) and must be signed by an authorized representative of the industrial user pursuant to 40 CFR 403.12(1).

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

(i) Name, address, and location, (if different from the address);

(ii) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-208 of this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(iv) Time and duration of discharge;

(v) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

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

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

(ix) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be

later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

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

(B) No increment referred to in (ix)(A) of this sub-section shall exceed 9 months.

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

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

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

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

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

(xiv) The town will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Permit modifications. Within 9 months of the promulgation of national categorical pretreatment standard, the industrial wastewater discharge permit of industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where an industrial user, subject to a



national categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-210(3)(c), the industrial user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by § 18-210(3)(c)(viii) and (ix).

(e) Permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations and industrial user charges and fees established by the town. Permits may contain the following:

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

(ii) Limits on the average and maximum wastewater constituents and characteristics;

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

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

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

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports as required by this chapter;

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

(ix) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(x) Requirements for notification of excessive discharges such as described in § 18-208(8);

(xi) Requirement to immediately report any noncompliance to the town and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12(g);

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

(f) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The industrial user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the town

during the term of the permit as limitations or requirements as identified in this section are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include reasonable time schedule for compliance.

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

(h) Reporting requirements for permittee. (i) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any industrial user subject to a pretreatment standard after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow. The flow on the date of the sampling also needs

to be reported. 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. All parameters listed on the industrial wastewater discharge permit must be sampled for in accordance with 40 CFR Part 136. All reports submitted by the industrial user must include the certification that is found at 40 CFR 403.6 (a)(2)(ii) and must bear the signature of an authorized representative of the industrial user pursuant to 40 CFR 403.12(1). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (ii) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the administrator.

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

(i) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring

equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.

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

(j) Inspection and sampling. The town shall inspect the facilities of any industrial user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of an of their duties. The town, approval authority and U.S. EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities, under 40 CFR 403.12.

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

(i) The town shall annually publish in the local newspaper a list of the industrial users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months.

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

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

(i) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, and/or the state pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(ii) Information accepted by the town as confidential shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the industrial user. (Ord. #344, Aug. 1994)

**18-211. Unlawful to damage sewage works.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. #344, Aug. 1994)

**18-212. Penalties.** (1) Any person found to be violating any provision of this chapter except §§ 18-207, 18-208, 18-210(3) and 18-211 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall violate § 18-211 or who shall continue any other violation beyond the time limit provided for in the notice required above shall be guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties provided for in the general penalty clause for this code of ordinances.

(3) Any industrial user who shall violate §§ 18-207, 18-208, or 18-210(3) shall be subject to actions prescribed by § 18-214, below.

(4) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(5) A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter. The cost of the arbitration will be divided equally between the town and the sewer user.

(6) Such board shall be composed of the town council, the town attorney, and the town's consulting engineer. The sewer user may have his own legal council and/or engineer present at his own expense. (Ord. #344, Aug. 1994)

**18-213. Powers and authority of inspectors.** (1) The superintendent and other duly authorized employees or agents of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

(3) The superintendent and other duly authorized employees or agents of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(4) The town council is authorized to make such alterations and exceptions as may become necessary. No industrial liquid and waste will be accepted within the sewer system without approval of the town, the Carroll

County Health Department, and/or the Tennessee Department of Environment and Conservation. (Ord. #344, Aug. 1994)

**18-214. Enforcement - significant industrial users.**

(1) Administrative enforcement remedies. (a) All administration enforcement actions taken against a significant industrial user, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977, specifically Tennessee Code Annotated, § 69-3-123.

(b) Notification of violation. Whenever the town finds that any significant industrial user has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the town may serve upon said significant industrial user written notice of the violation. Within 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 town. Submission of this plan in no way relieves the significant industrial user of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the significant industrial user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to § 18-214(1)(e), below.

(d) Show cause hearing. The town may order any significant industrial user which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the town why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124. Notice shall be served on the significant industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the significant industrial user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the significant industrial user. Whether or not a duly notified significant industrial user appears as noticed, immediate enforcement action may be pursued.

(e) Compliance order. When the town finds that a significant industrial user has violated or continues to violate this chapter, an industrial wastewater discharge permit or order issued hereunder, the town may issue an order to the significant 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 be properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the chapter or an industrial wastewater discharge permit.

(f) Cease and desist orders. When the town finds that a significant industrial user has violated or continues to violate this chapter, any industrial wastewater discharge permit or order issued hereunder, the town may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(i) Comply forthwith.

(ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(g) Administrative fines (civil penalties). Notwithstanding any other section of this chapter, any significant industrial user who is found to have violated any provision of this chapter, industrial wastewater discharge permits and orders issued hereunder, may be fined in an amount not to exceed ten thousand dollars (\$10,000.00) per violation in accordance with the provisions of Tennessee Code Annotated, §§ 69-3-125, 126, 128, and 129. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the significant industrial user's next scheduled sewer service charge and the town shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual significant industrial user's property. Significant industrial users desiring to dispute such fines must file a written request with the town recorder for the town to reconsider the fine within 30 days of being notified of the fine. Where the town believes a request has merit, the town shall convene a hearing on the matter within 15 days of receiving the request from the significant industrial user and a hearing will be held before the mayor and councilmembers in accordance with the provisions of Tennessee Code Annotated, § 69-3-124.

(h) Emergency suspensions. (i) The town may suspend the wastewater treatment service and/or wastewater discharge permit of a significant industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge



presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any significant industrial user notified of a suspension of wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a significant industrial user's failure to immediately comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The town shall allow the significant industrial user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in § 18-214(1)(i) are initiated against the significant industrial user.

(iii) A significant industrial user who is responsible, in whole or in part, for imminent endangerment shall submit to the town prior to the date of the hearing the described in § 18-214(1)(d) a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

(i) Termination of permit. Any significant industrial user who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the significant industrial user's premises for the purpose of inspection, monitoring or sampling.

(j) Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under § 18-207(1)(d) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. (a) General. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the town, through the town attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Carroll County. Any judicial proceedings and relief

shall be in accordance with the procedures of Tennessee Code Annotated, § 69-3-127.

(b) Injunctive relief. Whenever a significant industrial user has violated or continues to violate the provisions of this chapter or an industrial wastewater discharge permit or order issued hereunder, the town, through counsel may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the significant industrial user.

(3) Affirmative defenses. (a) Treatment upsets. (i) Any significant industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the town thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the significant industrial user within five days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A significant industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the town for any noncompliance with this chapter, or an order or industrial wastewater discharge permit issued hereunder to the significant industrial user, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment system is prohibited unless all of the following conditions are met:

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

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The significant industrial user properly notified the town as required by § 18-214(3)(b)(ii) below.

(ii) A significant industrial user must provide immediate notice to the town upon discovery of an unanticipated bypass. If necessary, the town may require the significant industrial user to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a bypass must submit notice to the town at least 10 days in advance. The town may only approve the anticipated bypass if the circumstance satisfy the requirements set forth in § 18-214(3)(b)(i). (Ord. #344, Aug. 1994)

**18-215. Policy and procedure of sewer grinder pumps.** The use of grinder pumps has been endorsed by the Town of Huntingdon as a secondary alternative gravity-flow under the following criteria:

(1) The Director of the Huntingdon Utility Department shall determine the instances where grinder pumps will be approved as an alternative to the gravity-flow system for existing and new residential development.

(2) The town will specify and have the units installed as well as provide routine inspections of the grinder pump unit. The town will also provide maintenance of the units when needed, if this maintenance is created by normal wear and deterioration of the grinder pump unit. Repair and replacement of the grinder pumps due to the failure of the homeowner to abide by the conditions set forth in manufacturer's specifications or accepted standards for proper use of these units will result in the homeowners' obligation to repair or replace the grinder pump unit at their own expense.

(3) Existing development may be changed from gravity-flow sewer to the use of a grinder pump as a result of persistent infiltration or poor flow problems based on the assessment of the Huntingdon Utility Director. The cost of these grinder pump units will be paid by the Town of Huntingdon based on the fact that the initial sewer tap fee has been previously paid. The associated electrical installation and operation expenses for the grinder pump unit will be the responsibility of the property owner. Property owners constructing their own personal house must provide the electrical equipment, but the tap fee will negate the cost of the grinder pump unit. Property owners will be limited to this exemption for one home per decade in order to discourage spec building development, which might be used to circumvent the intent of the subdivision provision below.

(4) For new residential subdivision development, the developer or subsequent contractor will pay for electrical equipment needed as specified by

the Town of Huntingdon. The developer will pay for the initial cost of grinder pump unit and the service lines to the property. The costs of the electrical service will be assumed by the property owner upon operation.

(5) The development of a major and minor subdivision will result in a one hundred dollar (\$100.00) surcharge per lot. This surcharge will be used to defray the eventual expense of replacing these grinder pump units, which have a seven to ten year life span. (Ord. #391, July 1997)

## CHAPTER 3

### **EXTENSION OF SEWER SERVICES OUTSIDE CORPORATE LIMITS**

#### **SECTION**

18-301. Extension policy for subdivisions.

18-302. Extension policy for individuals.

18-303. Approval by planning commission and town engineers.

18-304. Limitations and cost.

18-305. Prohibited connections.

**18-301. Extension policy for subdivisions.** Any individual, group of individuals, firm, corporation, etc., proposing to construct or develop a subdivision located outside the corporate limits of the Town of Huntingdon, but which is contiguous to or near the existing corporate limits, and who desire to obtain extension of the town's public sewer services to said subdivision, shall apply in writing to the Council of the Town of Huntingdon detailing the services desired. The request shall be accompanied by a petition to the council for annexation of the territory comprising the subdivision upon completion of construction. Should the developed area not be contiguous to the corporate limits, all owners of real property lying between the developed area and the corporate limits shall be parties to said petition. Such application shall contain a basic plot plan and details of the proposed construction. When, and if, tentative approval is granted by the council, the developers shall be referred to the Huntingdon Municipal Planning Commission for review and approval of all documents as required by the Commission's Subdivision Regulations. Upon approval of the Huntingdon Municipal Planning Commission all documents shall be referred to the town engineers for review and approval as to the feasibility of connecting the proposed area to the town sanitary sewer system. (Ord. #367, Sept. 1995)

**18-302. Extension policy for individuals.** When a group of individual property owners in a developed area located outside the corporate limits of the Town of Huntingdon collectively desire for the town to extend public sewer services to their territory and where the combined territories of such owners would be contiguous to the existing corporate limits, said group shall apply in writing to said council requesting such services and petitioning the council for annexation. Should such request be approved, the extension of all municipal services, including sewer, shall, upon completion of the annexation, be provided in a manner consistent with the published plan of services for said territory, and the prevailing policies of the town. (Ord. #367, Sept. 1995)

**18-303. Approval of planning commission and town engineer required.** As pertains to extension of public sewer services to proposed

subdivision construction sites, when, and if, such a request is given tentative approval by the town council, the contractor or developers shall be required to submit to the Huntingdon Municipal Planning Commission for its review and approval all plans, plats and other documents as required by the town's subdivision regulations. Upon approval of the Huntingdon Municipal Planning Commission all documents shall be referred to the town engineers for review and approval as to the feasibility of connecting the proposed area to the sanitary sewer system. No implementing action shall be taken until such approval has been given. (Ord. #367, Sept. 1995)

**18-304. Limitations and costs.** Such extension of municipal services shall be in the best interest of the Town of Huntingdon; shall be provided in manner consistent with prevailing policies; shall not impose additional financial burdens on its taxpayers or rate payers, and are authorized pursuant to strict standards established by the town. Public facilities of the Town of Huntingdon will not be connected to such developments until such time as the developer has complied with all requirements of the Town of Huntingdon or the Huntingdon Municipal Planning Commission as regards construction of subdivisions. Developers or contractors shall bear all cost associated with the construction or installation of on-site public water and sewer facilities, and pay all fees and charges as may be required by existing regulations and policies of the town. (Ord. #367, Sept. 1995)

**18-305. Prohibited connections.** There shall be no connections made to the town's sewer system without properly being also connected to the town's public water system. (Ord. #367, Sept. 1995)

## CHAPTER 4

### CROSS CONNECTION CONTROL

#### SECTION

18-401. Definitions.

18-402. Construction and operation subject to approval of the Tennessee Department of Environment and Conservation; under supervision of superintendent.

18-403. Statement required.

18-404. Fees.

18-405. Penalty; discontinuance of water supply.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Cross-connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which or because of which, backflow could occur are considered to be cross-connections.

(2) "Public water supply" shall mean the Huntingdon waterworks system, which furnishes water to the town for general use and which is recognized at the public water supply by the Tennessee Department of Environment and Conservation.

(3) "Department" shall mean the Huntingdon Public Utilities.

(4) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the Environmental Protection Agency for human consumption.

(5) "Backflow" shall mean the reversal of the intended direction of flow in a piping system.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the water system.

(8) "By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(9) "Air gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An

approved air gap separation must be at twice the inside diameter of the supply line, but not less than two (2) inches. Where a discharge line serves as receiver, the air gap separation shall be at least twice the diameter of the discharge line, but not less than two (2) inches.

(10) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

(11) "Double check valve assembly" shall mean an assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each check valve.

(12) "Double check detector assembly" shall mean an assembly of two independently operating spring loaded check valves with a water meter (protected by another check valve or a reduced pressure backflow prevention device, depending upon degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

(13) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(14) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one or two independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves and properly located test cocks for the testing of the check valves and relief valve.

(15) "Approved" shall mean that the device or method is accepted by the Tennessee Department of Environment and Conservation and the superintendent as meeting specifications suitable for the intended purpose.

(16) "Superintendent" shall mean the superintendent of Huntingdon Public Utilities Department of the Town of Huntingdon or his authorized deputy, agent or representative.

(17) "Fire protection systems:"

(a) Class 1 shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze to other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1 except that booster pumps may be installed in the connections from the street mains.



(c) Class 3 shall be those with direct connection from the public water supply mains, and having storage tanks filled from the public water system, with the water maintained in potable condition.

(d) Class 4 shall be those with direct connection from the public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(e) Class 5 shall be those with direct connection from the water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. (Ord. #380, Aug. 1996)

**18-402. Construction and operation subject to approval of the Tennessee Department of Environment and Conservation; under supervision of superintendent.** (1) Compliance with T.C.A. The Public Utilities Department of the Town of Huntingdon is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective on-going program to control these undesirable water uses.

(2) Regulations. (a) It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direction of the Superintendent of the Huntingdon Public Utilities Department.

(b) If, in the judgement of the superintendent or his designated agent, an approved backflow prevention device is required at the town's water service connection to the customers premises, or at points within the premises, to protect the potable water supply, the superintendent shall compel the installation and maintenance of said device at the owner's expense.

(c) For new installations, the department shall inspect the site and/or review plans on order to determine the type of backflow prevention device, if any, that will be required, and notify the owners in writing of the required device. All required devices must be installed and operable prior to initiation of water service.

(d) For existing premises, the department shall perform evaluations and inspections and shall require correction of violations in accordance with subsections (a) through (d).

(3) Plumbing permit required. No installation, alteration or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first contacting the Superintendent of the Huntingdon Public Utilities. At this time no permit is required.

(4) Inspections. The superintendent shall inspect 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 in accordance with the guidelines acceptable to Tennessee Department of Environment and Conservation. The superintendent or authorized representative shall have the right to enter at any reasonable time any property served by a connection to Huntingdon Public Utilities Water System for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(5) Corrections of violations. (a) Any person found to have 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 this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the superintendent, but in no case shall the time for correction exceed 90 days.

(b) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the superintendent of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system.

(c) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right to a due process hearing upon timely request. This time allowed for preparation for a due process hearing shall be in relationship with the risk of hazard to the public; and may follow disconnection when the risk of public health and safety in the opinion of the superintendent warrants disconnection prior to a due process hearing.

(d) 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 the time limits set by The Huntingdon Public Utilities, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customer on site piping system in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk of public health and safety in the opinion of the superintendent warrant disconnection prior to a due process hearing.

(6) Required protective device. (a) Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

(i) Impractical to provide an effective air-gap separation;

(ii) The owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent or his designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(iii) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or

(iv) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

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

(vi) The plumbing from a private well enters the building served by the public water supply, then the superintendent 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.

(b) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the superintendent as to manufacture, model, size and application. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in paragraph (f) below. The installation shall be at the expense of the owner or occupant of the premises.

(c) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for most

commercial and educational buildings, construction sites, all industrial, institutional, and medical facilities, all fountains, lawn irrigation systems, swimming pools, softeners and other point of use treatment systems, and on all fire hydrant connections other than by the fire department in combating fires.

(i) Class 1, Class 2, and Class 3 fire protection systems generally shall require a double check detector assembly, except a reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler pipelines are parallel to and within ten feet horizontally of pipelines carrying sewage or significantly toxic wastes;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(ii) Class 4, Class 5, and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(iii) Wherever the fire sprinkler system piping is not acceptable potable water system material, or chemicals such as liquid foam concentrates are used, a reduced pressure backflow prevention device shall be required.

(d) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be designated to accommodate such devices in conformance with the standards for such devices, including the required drains.

(e) Additionally, the superintendent may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(f) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, double check valves assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following:

(i) All required devices must be installed pursuant to the Town of Huntingdon City Ordinance by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water, or its successor. Evidence of current certification at the time of installation will be required.

(ii) All devices shall be installed in accordance with the manufacturer's installation instructions, and shall possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to department test devices.

(iii) The entire device including test cocks and valves shall be easily accessible for testing and repair.

(iv) Reduced pressure backflow prevention devices shall be located a minimum of twelve (12) inches plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed sixty (60) inches.

(v) Clearance of device from wall surfaces or other obstruction shall be a minimum of six (6) inches.

(vi) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(vii) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(viii) An approved air-gap shall separate the relief port from any drainage system.

(ix) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the device or shut-off valve before strainer.

(x) Devices shall be located in an area free from submergence or flood potential.

(xi) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port or that the multiple drain lines are at least two and one-half (2 1/2) times the area.

(xii) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed in such a manner that backsiphonage/backflow through the drain may occur.

(xiii) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in a fire protection system, the discharge of the pump must be on the downstream side of any check valve or backflow prevention device. Where the supply for the jockey pump is taken from the upstream side or the check valve or backflow prevention device, and assembly of the same type as required on the main line shall be installed on the supply line.

(xiv) High volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches 10 psi. Ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir.

(g) Personnel of the Huntingdon Public Utilities shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(h) 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. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the superintendent may require the installation of a duplicate unit. The superintendent shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. 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. The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

(i) Testing of devices. Devices shall be tested at least annually by a person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Drinking Water (or its successor) for the testing of such devices. Records of all tests shall be provided to the Huntingdon Public Utilities. Personnel of the Huntingdon Public Utilities shall have the right to inspect and test the devices whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. All internal devices are the responsibility of the owner to have annually tested.

(7) Non-potable supplies. (a) The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in conspicuous manner as:

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(b) The minimum acceptable sign shall have black letters one (1) inch high located on a red background.

(c) Color coding of pipelines in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgement of the superintendent, such color coding is necessary to identify and protect the potable water supply.

(8) Provision applicable. The requirements contained herein shall apply to all premises served by the Huntingdon Public Utilities 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 service to any premises. This "cross connection" chapter shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination. Any person aggrieved by the action of the superintendent is entitled to a due process hearing upon timely request. (Ord. #380, Aug. 1996)

**18-403. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the premises a well or other separate source of water supply, or who 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 a statement of the non-existence of unapproved or unauthorized cross-connection, 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. (Ord. #380, Aug. 1996)

**18-404. Fees.** At the present time no fees are required for testing and the inspection of premises. (Ord. #380, Aug. 1996)

**18-405. Penalty; discontinuance of water supply.**

(1) Penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of up to \$500.00 on the first offense and \$1,000.00 for each thereafter within any five (5) year period.

(2) Discontinuance of water supply. Independent of and in addition to fines and penalties, the superintendent may discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, by-pass or interconnection, has been discontinued. (Ord. #380, Aug. 1996)