TITLE 18

WATER AND SEWERS[1]

CHAPTER

CHAPTER 1

WATER

SECTION

---

[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1989 Code, § 13-101)

18-102. Definitions. (1) "Municipality" means the municipal governing body, and its duly authorized officers and agents.

(2) "Person" includes firms and corporations, as well as an individual.

(3) "Customer" means any person who receives water service from the municipality under either an express or implied contract requiring such person to pay the municipality for such service.

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

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

(6) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is expressly required by an agreement approved by the municipality. The discount date is the last date upon which water bills can be paid at net rates.

(7) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(8) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1989 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made with a duly appointed employee of the municipality and be fully approved before connection or meter installation orders will be issued and work performed. (1989 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 the service by reason of not occupying

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

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1989 Code, § 13-104)

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. (1989 Code, § 13-105)

18-106. Connection charges. For properties with existing service links, the connection fee is twenty-five dollars ($25.00). Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

Before a new service line will be laid by the municipality, the applicant shall make a deposit of the following amount with the municipality:

(1) For a three-quarters of an inch (3/4") or a one inch (1") service line, the cost of which is not estimated to exceed the amount of the applicable deposit provided hereunder:

(a) In a dirt or a macadam street $50.00

(b) In an oil macadam or other paved street $60.00

(2) For a three-quarters of an inch (3/4") or a one inch (1") service line, the cost of which is estimated to exceed the amount of applicable deposit provided in paragraph (1) above, and for all service lines over one inch (1") in diameter, the cost as estimated by the municipality.

This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the municipality the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the municipality shall not be responsible for the maintenance and upkeep of any service line located within the property line of the customer, even though the meter and meter box are located within said property line. (1989 Code, § 13-106)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of five hundred feet (500') 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 municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each one hundred feet (100'), or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality. (1989 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 cement-lined cast iron pipe, class 150 American Water Works Assn. Standard, not less than six inches (6") in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than one thousand feet (1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two (2") inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations

as may exist because of the size and elevation of said mains. As further consideration, the municipality shall repay to the person or persons paying the cost of such a water main extension, for a period of five (5) years, but no longer, from the date of completion of said extension the sum of fifty dollars ($50.00) for each tap that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided also, that before making any such payment the municipality shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the municipality, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even through such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1989 Code, § 13-108)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the municipal governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with the preceding two sections, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the municipal governing body.

The authority to make water main extensions pursuant to the preceding two sections is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1989 Code, § 13-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed by the municipality.

No one shall do anything which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1989 Code, § 13-110)

18-111. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%

Meter Size	Percentage
4"	4%
6"	5%

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

Meter Size	Test Charge
5/8", 3/4", 1"	$2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
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 municipality. (1989 Code, § 13-111)

18-112. Schedule of rates. All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of one thousand (1,000) and shall be furnished under such rate schedules as the municipality may from time to time prescribe. (1989 Code, § 13-112)

18-113. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one (1) dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1989 Code, § 13-113)

18-114. Billing. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the municipality.

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

In the event a bill is not paid on or before the discount date, service may be discontinued without notice to customer and not again resumed until paid, and the municipality shall not be liable for damages on account of discontinuing service at any time after the discount date, even though payment of the bill is made at any time on the day that service is actually discontinued.

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

No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any other obligation owed the municipality by such customer.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1989 Code, § 13-114)

18-115. Discontinuance or refusal of service. The board shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any provision of the following:

(1) These rules and regulations.

(2) The customer's application for service.

(3) The customer's contract for service.

(4) The payment of any obligation due the municipality, including any required deposit.

Such right to discontinue service shall apply to all service received through a single tap 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 (1) such customer or tenant.

Discontinuance of service by the municipality for any causes 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.

The municipality shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company, or firm to which such service is to be furnished, is in default in the payment of any

obligation to the municipality or has theretofore had his service discontinued because of a violation of these rules and regulations. (1989 Code, § 13-115)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars ($25.00) shall be collected by the municipality before service is restored. (1989 Code, § 13-116, as amended by Ord. #1995-10, Oct. 1995)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1989 Code, § 13-117)

18-118. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1989 Code, § 13-118)

18-119. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to

refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1989 Code, § 13-119)

18-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1989 Code, § 13-120)

18-121. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1989 Code, § 13-121)

18-122. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1989 Code, § 13-122)

18-123. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, fire plugs, or valves without permission or authority from the municipality. (1989 Code, § 13-123)

18-124. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer

taking such service shall immediately give the municipality a written notice of such occurrence. (1989 Code, § 13-124)

18-125. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1989 Code, § 13-125)

18-126. Liability for cut-off failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damages for cut-off failures, the customer shall rely exclusively on privately owned cut-offs and not on the municipality's cut-off. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1989 Code, § 13-126)

18-127. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use or hours or usage. (1989 Code, § 13-127)

18-128. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1989 Code, § 13-128)

CHAPTER 2

GENERAL WASTEWATER REGULATIONS

SECTION

18-201. Purpose and policy. This chapter sets forth uniform requirements for users of the Town of Livingston, Tennessee, wastewater treatment system and enables the Town to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

(1) To protect public health,

(2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;

(3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;

(4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(5) To promote reuse and recycling of industrial wastewater and sludge from the facility;

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and

(7) To enable the town to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Livingston must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the town who are, by implied contract or written agreement with the town, dischargers of

applicable wastewater to the wastewater treatment facility. Chapter 3 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 3 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-202. Administrative. Except as otherwise provided herein, the mayor shall serve as the local administrative officer of the town and shall administer, implement, and enforce the provisions of this chapter. The board of mayor and aldermen shall serve as the local hearing authority. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

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) "Administrator." The administrator or the United States Environmental Protection Agency.

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

(3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

(4) "Authorized or duly authorized representative of industrial user:

(a) If the user is a corporation:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-209 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20°C) expressed in terms of weight and concentration (milligrams per liter (mg/1)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard as found in 40 CFR chapter I, subchapter N, parts 405-471.

(9) "Town." The Board of Mayor and Aldermen, Town of Livingston, Tennessee.

(10) "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform, bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" shall refer to the "approval authority," defined herein above; or the local hearing authority if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

(16) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

(17) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

(19) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

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

(21) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(22) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected ovet a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. (gallons per minute) or less and is generally located inside the building.

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

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

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

(27) "Indirect discharge." The introduction of pollutants into the WWF from any non-domestic source.

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

(29) "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

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

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

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

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The board of mayor and aldermen or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-305.

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

(36) "NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

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

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

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

(iii) 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 engaged in the same general type of activity as the existing source should be considered.

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

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

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, 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

(ii) 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

(38) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Clean Water Act as amended.

(39) "Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

(40) "Person." Any individual, partnership, po-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.

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

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

(43) "Pollutant." Any dredged spoil,. solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

(44) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

(45) "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

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

(47) "Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C.§ 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect

discharges to and the discharges from such a treatment works. (See WWF, Wastewater Facility, found in definition number (63), below.)

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

(50) "Significant industrial user." The term significant industrial user means: (a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8. (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=l.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

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

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under section § 18-305(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

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

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

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

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

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

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

(54) "State." The State of Tennessee.

(55) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

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

(57) "Superintendent." The local administrative officer or person designated by him 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.

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

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

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

(61) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability in Tennessee Code Annotated, § 68-221-201.

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

(63) "Wastewater facility" Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or publicly owned treatment works.

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

(65) "1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-204. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or town or state regulations.

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

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the

provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205.

(6) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-205. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal. system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the town and the county health department. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-206. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service;

(i) Residential and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the town. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Service connection fees for establishing new sewer service are paid to the town. Industrial user discharge permit fees may also apply. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(b) Users shall notify the town of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The town may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance hereof. The town shall make all connections to the public sewer upon the property owner first submitting a connection application to the town.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the town at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The town will inspect the installation prior to backfilling and make the connection to the public sewer.

(b) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner including all service and connection fees. 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.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

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

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system - four inches (4").

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

(iii) Building sewers shall be laid on the following grades: Four inch (4") sewers - one-eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, within five feet (5') of the property line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the town and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gas-tight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved pump system according to § 18-207 and discharged to the building sewer at the expense of the owner.

(ix) 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 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 by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

(f) 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.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

(ii) The applicant for discharge shall notify the superintendent when the building sewer 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 shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at http://www.state.tn.us/environment/wpc/publications/. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the town. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer

service. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-207. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the town.

(1) Equipment requirements. (a) Septic tanks .shall be of water tight construction and must be approved by the town.

(b) Pumps must be approved by the town and shall be maintained by the property owner or user.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the town. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the town and connection will be made to the town sewer only after inspection and approval of the town.

(4) Ownership and easements. Homeowners or developers shall provide the town with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the town to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the town. However, pumping required more frequently than once every five years shall be billed to the homeowner.

(7) Additional charges. The town shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost

of the service call. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-208. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the town to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the town to be set as specified in § 18-307. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion
where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Livingston.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent this approval may require testing, flow

monitoring and record keeping. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-209. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-210 or 18-305. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene:, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) 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 including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders; sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the

WWF which exceeds forty degrees Celsius (40°C) one hundred four degrees Fahrenheit (104 °F) unless approved by the State of Tennessee.

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF 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 WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(n) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

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

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations

of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) 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 sewers 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.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 3 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A - Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 3 of this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria

Parameter	Maximum Concentration (mg/l)
Arsenic	0.008418
Benzene	0.01304
Cadmium	0.000370
Carbon Tetrachloride	1.5
Chloroform	0.2236
Chromium (total)	0.13228

Parameter	Maximum Concentration (mg/l)
Copper	0.050
Cyanide	0.0140
Ethybenzene	0.040
Lead	0.037
Mercury	0.00029
Methylene chloride	0.096
Molybdenum	0.00308
Naphthalene	0.0125
Nickel	0.0457
Phenol	0.45455
Selenium	0.00411
Silver	0.02941
Tetrachloroethylene	0.1388
Toluene	0.21429
Total Phthalate	0.16974
Tr ichlorethlene	0.100
1, 1, I-Trichloroethane	0.250
1,2 Transdichloroethylene	0.0075
Zinc	0.080

(4) Fats, oils and grease traps and interceptors. (a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may

be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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

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

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

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

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one half inch (1/2")

or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

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

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the town is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-302 to regulate the discharge of fat, oil and grease. (Ord. #140, Aug. 1988, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-210. <u>Enforcement and abatement</u>. Violators of these wastewater regulations may be cited to town court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 3. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all the following remedies:

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

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

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

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (as added by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***

CHAPTER 3

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

18-301. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-209.

(2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of § 18-209, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-305.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits, Table B or other applicable state and federal pretreatment rules which may take effect after the passage of this ordinance.

Table B - Local Limits

Pollutant	Monthly Average* Maximum Concentration (mg/l)	Daily Maximum Concentration (mg/l)
Arsenic	0.205	0.41
Benzene	0.318	0.636
Cadmium	0.090	0.18
Carbon tetrachloride	36.679	73.358
Chloroform	5.347	10.694
Chromium (total)	3.234	6.468
Copper	1.222	2.444
Cyanide	0.343	0.686
Ethybenzene	0.978	1.956
Lead	0.927	1.854
Mercury	0.007	0.014
Methylene chloride	2.351	4.702
Molybdenum	0.075	0.15
Napthalene	0.305	0.61
Nickel	0.508	1.016
Phenol	11.115	22.23
Selenium	0.100	0.200
Silver	0.719	1.438
Tetrachloroethylene	3.396	6.792
Toluene	5.239	10.478
Total phthalate	4.150	8.300
Trichlorethlene	2.445	4.890
1,1,1-Trichoroethane	6.113	12.226

Pollutant	Monthly Average* Maximum Concentration (mg/l)	Daily Maximum Concentration (mg/l)
1,2 Transdichloroethylene	0.183	0.366
Zinc	1.956	3.912

*Based on twenty-four (24) hour flow proportional composite samples unless specified otherwise.

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum concentrations may also be established for some users.

Table C - Surcharge and Maximum Limits

Parameter	Surcharge Limit	Maximum Concentration
Ammonia as nitrogen	15 mg/L	20 mg/L
Oil and grease	30 mg/L	50 mg/L
BOD	300 mg/L	400 mg/L
Suspended solids	300 mg/L	400 mg/L

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A - Plant Protection Criteria Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-302. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the town sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-206 and an inspection has been performed by the superintendent or his representative. The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. 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.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall. complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the town and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in §§ 18-209 and 18-301 discharge variations -- daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

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

(v) The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(vi) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(vii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules .shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

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

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

(C) Compliance schedules;

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

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

(F) Requirements for notification of the town sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

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

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) 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 user shall apply for permit renewal a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written

approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

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

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

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

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

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

When requested by the person furnishing the 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 to governmental agencies for use; related to this chapter or the town's or user's NPDES permit. 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.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-303. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

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 expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the user to keep its monitoring facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper

operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

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

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within ninety (90) days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be

submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-304. <u>Reporting requirements</u>. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-305.

(1) <u>Baseline monitoring report</u>. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(l)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in

paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants. (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream. formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(i) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal, work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-304(2).

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-304(14) and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-304(1)(d):

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events

include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation),

(b) No increment referred to above shall exceed nine (9) months,

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule,

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in section § 18-304(1)(b)(iv) and (v). For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) of this section. All sampling will be done in conformance with subsection (11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good wo rking order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection (11) of this section, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-301 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-302 of this chapter or modify an existing wastewater discharge permit under § 18-302 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to

the superintendent as the superintendent may require to determi ne users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the town performs sampling at the user's facility at least once a month, or if the town performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the town receives the results of this sampling, or if the town has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CPR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-304(5). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-304(1), (3), and(4).

(b) Dischargers are exempt from the requirements of paragraph (a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the BPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in sections (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and

sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under section § 18-308. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment pro gram shall be signed by the duly authorized representative and shall have the following certification statement attached:

I certify under penalty of law that this · document and all attachments were prepared under my direction or supervision in accordance with a

system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Reports required to have signatures and certification statement include permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-305. Enforcement response plan. Under the authority of Tennessee Code Annotated, § 69-3-123 et. seq.

(1) Complaints; notification of violation; orders. (a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Livingston Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in section 18-305(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the town or its agent may serve upon the user a written notice of

violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section limits the authority of the town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect

the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the town in meeting the emergency.

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of

the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Overton County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under § 18-305(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than

three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return. receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

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

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

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

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

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

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars ($10,000.00) per day for each day during which the act or omission continues or occurs.

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

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the town resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

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

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief avail able in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in the WWF's exercise of its emergency authority under § 18-305(1)(b)(i)(D), emergency order, to halt or prevent such a discharge.

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

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

(c) Failure to accurately report noncompliance.

(d) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(e) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours. Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).[1]

(7) Public notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (B) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six

---

[1]Appendix A, Enforcement Response Plan Guide Table, is available in the recorder' s office.

(6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-307 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to accurately report noncompliance; or

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

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

(8) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-306. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this ordinance.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A[1] to impose sanctions or penalties for the violation of this chapter. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-307. Fees and billing.[2] (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the town's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

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

(a) Inspection fee and tapping fee;

(b) Fees for applications for discharge;

(c) Sewer use charges;

(d) Surcharge fees (see Table C);

(e) Waste hauler permit;

(f) Industrial wastewater discharge permit fees;

(g) Fees for industrial discharge monitoring; and

(h) Other fees as the town may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-302.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-307 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretrea1ment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretrea1ment program.

---

[1]Appendix A, Enforcement Response Guide Table, is available in the recorder's office.

[2]Such rates are reflected in administrative ordinances or resolutions; which are of record in the office of the town recorder.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violation are categorized in the Enforcement Response Guide Table (Appendix A). The local administrative officer may access a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	$50.00-$500.00
Category 3	$500.00-$1,000.00
Category 4	$1,000.00-$5,000.00
Category 5	$5,000.00-$10,000.00 (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-308. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the town. (Ord. #2004-2-1, March 2004, as replaced by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

18-309.--18-311. Deleted. (Ord. #2004-2-1, March 2004, as deleted by Ord. #2020-7-1, Aug. 2020 ***Ch1_09-08-20***)

CHAPTER 4

CROSS CONNECTIONS

SECTION

18-401. Purpose. This chapter sets forth uniform requirements for the protection of the public water system for the Livingston Water Department from possible contamination, and enable the Livingston Water Department to comply with all applicable local, state and federal laws, regulations, standards or requirements, including the Safe Drinking Water Act of 1996, Tennessee Code Annotated, §§ 68-221-701 to 68-221-720 and the Rules and Regulations for Public Water Systems and Drinking Water Quality issued by the Tennessee Department of Environment and Conservation, Division of Water Supply.

The purpose of this chapter is to:

(1) To protect the public potable water system of Livingston Water Department from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or backsiphon into the public water system;

(2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;

(3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. #2009-2-2, March 2009)

18-402. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter.

(1) "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 shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "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.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include: water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

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

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system 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 system as a result of backflow or backsiphonage. 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.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of

the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or 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 public water supply mains, plus one or more of the following; elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other 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.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

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

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) 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 on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Livingston Water Department, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the manager of the Livingston Water Department or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #2009-2-2, March 2009)

18-403. Compliance with state law. The Livingston Water Department shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Livingston Water Department shall comply with Tennessee Code Annotated, § 68-221·711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this chapter, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (Ord. #2009-2-2, March 2009)

18-404. Connections regulated. (1) No water service connection to any premises shall be installed or maintained by the Livingston Water Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by

the Livingston Water Department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) 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 is at all times under the direction of the manager of the Livingston Water Department.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Livingston Water Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #2009-2-2, March 2009)

18-405. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Livingston Writer Department for approval and a permit.

(2) Existing alterations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval and permit from the Livingston Water Department. (Ord. #2009-2-2, March 2009)

18-406. Inspections. (1) The manager or his designated agent 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 re-inspection shall be based on potential health hazards involved, and shall be established by the Livingston Water Department in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Livingston Water Department public 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. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (Ord. #2009-2-2, March 2009)

18-407. Correction of violations. (1) 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 the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Livingston Water Department shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping

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 to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (Ord. #2009-2-2, March 2009)

18-408. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading of the service line, when any of the following conditions exist:

(a) Impractical to provide an effective air gap separation;

(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Livingston Water Department 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;

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

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

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

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Livingston Water Department, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Livingston Water Department prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. (a) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (High risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

(b) High risk high hazards. (i) Mortuaries, morgues, autopsy facilities;

(ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;

(iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;

(iv) Premises with auxiliary water supplies or industrial piping systems;

(v) Chemical plants (manufacturing, processing, compounding, or treatment);

(vi) Laboratories (industrial, commercial, medical research, school);

(vii) Packing and rendering houses;

(viii) Manufacturing plants;

(ix) Food and beverage processing plants;

(x) Automated car wash facilities;

(xi) Extermination companies;

(xii) Airports, railroads, bus terminals, piers, boat docks;

(xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;

(xiv) Metal plating, pickling, and anodizing operations;

(xv) Greenhouses and nurseries;

(xvi) Commercial laundries and dry cleaners;

(xvii) Film laboratories;

(xviii) Petroleum processes and storage plants;

(xix) Restricted establishments;

(xx) Schools and educational facilities;

(xxi) Animal feedlots, chicken houses, and CAFOs;

(xxii) Taxidermy facilities;

(xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(c) High hazards. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual.)

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections

for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Livingston Water Department as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(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.

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

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

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises. (Ord. #2009-2-2, March 2009)

18-409. <u>Installation criteria</u>. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Livingston Water Department who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless

otherwise approved by the Livingston Water Department, and shall permit direct connection to department test equipment.

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

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

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

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either;

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher.

Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

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

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Livingston Water Department. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees (+40° F) Fahrenheit with an outside temperature of negative thirty degrees (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices 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 device has been installed and the continuance of service is critical, the Livingston Water Department shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Livingston Water Department may require the installation of a duplicate device.

(p) The Livingston Water Department shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Livingston Water Department. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter

and shall be 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 Livingston Water Department. (Ord. #2009-2-2, March 2009)

18-410. Testing of devices. Devices shall be tested at least annually by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Livingston Water Department and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. (Ord. #2009-2-2, March 2009)

18-411. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Livingston Water Department, such coding is necessary to identify and protect the potable water supply.

Any person whose premises are supplied with water from the public water system, and who also has on the same 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 is circulated through a piping system, shall file with the Livingston Water Department a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #2009-2-2, March 2009)

18-412. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (Ord. #2009-2-2, March 2009)

18-413. Applicability. The requirements contained in this chapter shall apply to all premises served by the Livingston Water Department and are hereby made part of the conditions required to be met for the Livingston Water Department to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (Ord. #2009-2-2, March 2009)

CHAPTER 5

STORMWATER MANAGEMENT ORDINANCE

SECTION

18-501. General provisions. The purpose of this ordinance is as follows:

(1) Protect, maintain, and enhance the environment of the Town of Livingston (hereinafter referred to as "municipality" or "Livingston") and the public health, safety, and general welfare of the citizens of Livingston by controlling discharges of pollutants to Livingston's stormwater system; to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of Livingston.

(2) Allow the Town of Livingston to exercise the powers granted in Tennessee Code Annotated § 68-221-1105, which provides that among other powers municipalities have with respect to stormwater facilities is the power by ordinance or resolution to:

(a) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(b) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(c) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(d) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(e) Issue permits for stormwater discharges or for the construction, alteration, extension, or repair of stormwater facilities;

(f) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(g) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated;

(h) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(i) Administering entity: Livingston's Building and Zoning Department (stormwater entity) shall administer the provisions of this chapter.

(j) Stormwater management ordinance: The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater.

(2) Authority Having Jurisdiction (AHJ). The Town of Livingston Building Official (hereinafter referred to as "building official") of the Livingston Building and Zoning Department and any entities directed by Livingston to act on their behalf shall administer the provisions of this ordinance. This shall include, but not be limited to, grading and erosion control plan review, incentives negotiation, stormwater facilities maintenance, administration, and enforcement.

(3) Limits of jurisdiction. The jurisdictional limits shall be as established and defined by the latest version of the municipal zoning ordinance for Livingston, Tennessee.

(4) Waivers and variances. Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is approved to either waive this requirement or to meet the requirements with a variance. Requests to waive the requirements of this ordinance or to receive a variance shall be submitted to the building official for approval. Waivers and variances are issued at the sole discretion of a three (3) person stormwater variance committee appointed biannually by the mayor and must not result in the following conditions:

(a) Deterioration of existing culverts, bridges, dams, and other structures.

(b) Degradation of biological functions or habitat.

(c) Accelerated stream bank or stream bed erosion or siltation.

(d) Increased threat of flood damage to public health, life, or property.

(5) Site access. (a) Designated Livingston staff and their representatives shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this ordinance, as well as access to any permit/document issued hereunder. Livingston staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this ordinance.

(b) Designated Livingston staff shall have the right to set up on the property of any person subject to this ordinance such devices as are necessary to conduct sampling and/or flow measurements of the property's stormwater operations or discharges.

(c) Livingston officials have the right to determine and impose inspection schedules necessary to enforce provisions of this ordinance.

(6) Other ordinances, codes, and laws. If any provisions of this ordinance and any other provisions of law impose overlapping or contradictory regulations or if they contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In cases where "more restrictive" is not clear or cannot be determined, the building official shall make the final determination. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-502. Definitions and abbreviations. (1) Definitions. For the purpose of this regulation, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Administrative or civil penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating the provisions of this chapter may be assessed a civil penalty by the municipality of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

As-built plans. Drawings depicting conditions as they were actually constructed.

Best Management Practices ("BMPs"). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Borrow pit. An excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

Buffer zone. A setback from the top of a water body's bank of undisturbed vegetation, including trees, shrubs, and herbaceous vegetation; enhanced or restored vegetation; or the reestablishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs, or lakes, which exists

or is established to protect those water bodies. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration, and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile or that are considered exceptional or impaired waters by TDEC will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. A determination that water quality buffer widths cannot be met on-site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as type of project, existing land use, and physical conditions that preclude use of these practices.

Channel. A natural or artificial watercourse, with a definite bed and banks, that conducts flowing water continuously or periodically.

Common plan of development or sale. Broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

Design storm event. A hypothetical storm event of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds map cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

Contaminant. Any physical, chemical, biological, or radiological substance or matter in water.

Discharge. Dispose of, deposit, spill, pour, inject, seep, dump, leak, or place by any means, or that which is disposed of, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

Easement. An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality, or other legal entity has in the land of another.

Erosion. Removal of soil particles by the action of water, wind, ice, or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

Erosion Prevention and Sediment Control Plan (EPSCP). A written plan (including drawings or other graphic representations) designed to minimize the erosion and sediment runoff at a site during construction activities.

Hotspot. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses.

1. Vehicle salvage yards and recycling facilities
2. Vehicle service and maintenance facilities
3. Vehicle and equipment cleaning facilities
4. Fleet storage areas (bus, truck, etc.)
5. Industrial sites (included on Standard Industrial Classification code list)
6. Marinas (service and maintenance)
7. Public works storage areas
8. Facilities that generate or store hazardous waste materials
9. Commercial container nursery
10. Restaurants and food service facilities
11. Other land uses and activities as designated by an appropriate review authority

Illicit connections. Illegal and/or unauthorized connections to the municipal separate stormwater system, whether or not such connections result in discharges into that system.

Illicit discharge. Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §14-507(2).

Improved sinkhole. A natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

Inspector. A person that has successfully completed and has a valid certification from the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities.

1. Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state.
2. Update field SWPPPs.
3. Conduct preconstruction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed.
4. Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

Land disturbing activity. Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Maintenance. Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

Maintenance agreement. A document recorded in the land records that acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

National Pollutant Discharge Elimination System Permit (NPDES Permit). A permit issued pursuant to 33 U.S.C. 1342.

Off-site facility. A structural BMP located outside the subject property boundary described in the permit application for land development activity.

On-site facility. A structural BMP located within the subject property boundary described in the permit application for land development activity.

Peak flow. Maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

Person. Any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

Runoff. That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

Sediment. Solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

Sedimentation. Soil particles suspended in stormwater that can settle in stream beds.

Soils report. A study of soils on a subject property, with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization, either by performing the investigation or by directly supervising employees conducting the investigation.

Stabilization. Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

Stormwater. Stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.

Stormwater entity. The entity designated by the municipality to administer the stormwater management ordinance and other stormwater rules and regulations adopted by the municipality.

Stormwater management. Programs to maintain quality and quantity of stormwater runoff to predevelopment levels.

Stormwater management facilities. Drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.

Stormwater management plan. Set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or restore quality and quantity of stormwater runoff to predevelopment levels.

Stormwater Pollution Prevention Plan (SWPPP). A written plan that includes site map(s), identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land-disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

Stormwater runoff. Flow on the surface of the ground, resulting from precipitation.

Structural BMPs. Facilities that are constructed to provide control of stormwater runoff.

Surface water. Waters upon the surface of the earth in bounds created naturally or artificially, including, but not limited to, streams, other water courses, lakes, and reservoirs.

Waste site. An area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

Watercourse. A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

Watershed. The land area that contributes runoff to a particular point along a waterway.

Waters or waters of the state. Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership, which do not combine or effect a junction with natural surface or underground waters.

Wetland(s). Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

Wet weather conveyances. Manmade or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality, and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, Chapter 1 200-4-3-.04(3)).

(2) Abbreviations. The following is a list of abbreviations used within this ordinance. The appropriate designation shall refer to the latest edition or update published by that organization.

AASHTO: American Association of State Highway and Transportation Officials

ASTM: American Society for Testing and Materials

BMP: Best Management Practice

CFR: Code of Federal Regulation

FIRM: Flood Insurance Rate Map

MS4: Municipal Separate Storm Sewer System

NPDES: National Pollutant Discharge Elimination System

NRCS: National Resources Conservation Service

PUD: Planned Unit Development

SCS: Soil Conservation Service

SWPPP: Stormwater Pollution Prevention Plan

TDEC: Tennessee Department of Environment and Conservation

TDOT: Tennessee Department of Transportation

USC: United States Code
USGS: United States Geological Survey. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-503. Land disturbance permit. (1) Applicability. The provisions of this section shall apply to all new developments on each lot, site, or common development which has not received final plat approval, final site plan approval, or a building permit prior to the effective date of this ordinance. No person shall undertake the following activities without first obtaining a Land Disturbance Permit (LOP) from the Building Official.

(a) Stripping or land disturbance activities of an area greater than one-half (1/2) acre.

(b) Excavation or fill on a property in a way that impacts stormwater flow (direction, volume, rate, velocity) or storage.

(2) Exemptions. (a) The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

(i) Minor land-disturbing activities such as home gardens and individual home landscaping, home repairs, home additions or modifications, home maintenance work, and other related activities that result in minor soil erosion.

(ii) Individual service and sewer connections for single- or two-family residences.

(iii) Agricultural practices involving the establishment, cultivation, or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.

(iv) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.

(v) Construction, installation, or maintenance of electrical, telephone, and cable television lines and poles.

(vi) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing hard surface road, street, or sidewalk which is hard-surfaced and such street, curb, gutter, or sidewalk construction has been approved.

(vii) Construction, repair, or rebu ilding of tracks or other related facilities of a railroad company.

(viii) Land disturbance activities that do not disturb more than one-half (1/2) acre of land.

(ix) This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. This exemption does not apply to any

discharge of sediment or other form of water pollution that may leave a small site.

(x) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) These activities may be undertaken without a land disturbance permit. However, the persons conducting these excluded activities shall remain responsible for conducting these activities in accordance with provisions of this ordinance and other applicable regulations, including responsibility for controlling sedimentation and runoff.

(3) Application. (a) No land-disturbing activity, whether temporary or permanent, shall be conducted within the municipality unless a Land Disturbance Permit (LOP) has been issued by the building official. Such permits shall be available for inspection by Livingston personnel on the job site at all times during which land disturbance activities are in progress.

(b) Each application for an LOP shall include the following:

(i) Name of applicant.

(ii) Business or residence address of applicant.

(iii) Name, address, and telephone number of the owner of the property of record.

(iv) Address and legal description of subject property, including the tax reference number and parcel number of the subject property.

(v) Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land-disturbing activity and who shall implement the stormwater management plan.

(vi) A statement indicating the nature, extent, and purpose of the land-disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the start and completion dates of the land-disturbing activity.

(vii) Where the property includes a sinkhole or is within a Sinkhole Regulation Area (SRA), the applicant shall obtain from the Tennessee Department of Environment and Conservation the appropriate permits.

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose Livingston from imposing additional development requirements and conditions commensurate with this article on the development of property covered by those permits.

(ix) A sediment and erosion control plan containing the following:

(A) Perimeter controls.
(B) Slope protection.
(C) Sediment traps and basins.
(D) Drainage way and stream protection.
(E) Temporary stabilization.
(F) Permanent stabilization.

(x) A grading plan containing the following:

(A) Existing and proposed site contours of an interval no greater than five feet (5').

(B) Existing and proposed buildings on the property (including floor elevations).

(C) Existing and proposed drainage structures on and in the immediate vicinity of the property. Must include size, type, slope, and invert elevations of the structures.

(D) Submit drainage and runoff calculations (including a drainage basin worksheet) and temporary sediment/detention pond design as required by Livingston. Calculations should be for pipes and ditches as well as areas where the run off sheet flows

(E) Existing and proposed paving on the property (including parking and roadway improvements).

(xi) An NPDES permit tracking number.

(xii) Land Disturbance Permit Bond - Prior to the issuance of a permit for any land disturbance activity affecting more than five (5) acres, the applicant shall be required to provide a land disturbance bond to the Municipality of Livingston to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For smaller areas, when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development, or nearby lakes, streams, or large drainage ditches, the applicant may be required, at the discretion of the building official, to provide a land disturbance permit bond to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan. The building official s hall establish the amounts and time period of the security, based on the estimated cost and time for completing the plan . The land disturbance permit bond shall be in the form of cash, a certified check, an irrevocable letter of credit, or a surety bond rated A- or better. All irrevocable letters of credit submitted to Livingston must either be payable at a local bank within a fifty (50) mile radius of the corporate limits of Livingston or specifically state

that the letter of credit can be drawn upon by certified mail. Such land disturbance permit bond shall be satisfactory to Livingston's attorney as to form, sufficiency of surety, and manner of execution.

Within thirty (30) days of the building official's determination that all provisions of the approved plan have been completed or upon receipt of an acceptable site performance bond for required site and grading improvements or a subdivision performance bond for required subdivision improvements, such land disturbance permit bond shall be refunded or terminated.

(4) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one (1) year.

(5) Inspection of construction. (a) The applicant must notify the municipality of Livingston two (2) working days in advance of the commencement of construction.

(b) Erosion control measures must be in place and inspected by the Livingston Building and Zoning Department prior to grading.

(c) Routine inspections of erosion control devices shall be performed in accordance with the SWPPP to ensure effectiveness throughout the project duration. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-504. Stormwater system design. (1) General. (a) This chapter outlines the minimum standards for stormwater design. The building official reserves the right to require additional calculations or information.

(b) A "major" drainage system carries run off from a 100-year storm event and consists of one or more minor drainage systems. Major drainage systems shall be designed such that no building will be flooded during a 100-year frequency storm if the minor drainage system experiences total failure.

(c) A "minor" drainage system is used for collecting, transporting, and disposing of snow melt, miscellaneous minor flows, and storm runoff up to the capacity of the system. The capacity should be equal to the maximum rate of run off to be expected from the initial design storm of 10-year frequency.

(d) Utility conflicts - See utility department manuals.

(e) All easement requirements shall be per the Livingston Subdivision Regulations.

(f) Reference Livingston Subdivision Regulations for additional Drainage requirements.

(g) The developer shall study the effect of each project on existing downstream drainage facilities outside the area of the project. Where it is anticipated that the additional runoff incident to the

development of the project will overload an existing downstream facility, the building official may withhold approval of the project until provisions have been made for adequate improvement of such drainage facilities. No project shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(h) Stormwater systems should be designed to:

(i) Account for future development in the watershed or affected portions thereof, as permitted by the applicable zoning regulations.

(ii) Follow existing flow paths.

(iii) Convey stormwater to a stream, channel, natural drainage facility, or other existing facility of sufficient capacity to receive the stormwater runoff.

(iv) Exit the site at an easement or right-of-way location.

(i) In residential subdivision developments, where the average lot size is less than twenty-thousand (20,000) square feet, lots should generally be graded in such a manner that surface runoff does not cross more than three (3) lots or have peak discharges greater than four (4) cfs before it is collected in an open or closed stormwater system. All construction requirements shall be per the Livingston Subdivision Ordinance.

(j) The developer will ensure that all artesian groundwaters of a permanent or temporary nature will be conveyed through the stormwater system.

(k) Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing. The intent of this paragraph is to prevent flooding by overland flow. The developer is obligated to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

(2) Hydrology. (a) The rational method is the preferred method for drainage areas less than or equal to twenty (20) acres.

(b) Drainage areas greater than twenty (20) acres shall use the Soil Conservation Service (SCS) unit hydrograph procedure or other approved calculations.

(c) Intensity-duration-frequency curves for the Livingston area shall be used. Copies of these curves are available from the TDOT Design Division Drainage Manual.

(d) Drainage calculations shall be provided for all designs. All areas for calculation shall be determined from field run topography or current USGS quadrangle sheets.

(3) Open channel design. (a) Where open channels are utilized, they shall be designed for the 10-year design storm. If the 10-year design flow for an open channel system is greater than one hundred (100) cfs, the

channel shall be capable of passing the 100-year design flow within the drainage easement.

(b) Trapezoidal or parabolic ditch cross-sections are preferred. Triangular ditch cross-sections should be avoided.

(c) Use of riprap must be approved by the Town of Livingston Engineer.

(d) Low-flow concrete sections are required where flow is greater than one hundred (100) cfs, unless waived by the building official.

(e) Ditches running parallel and adjacent to a curbed street are not allowed.

(f) Manning's equation is recommended for evaluating uniform flow conditions in open channels.

(g) Stabilization of ditches - all open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	Seeding Requirement	Sod or Permanent Matting Requirement	Concrete Swale
Any size pipe	----------	----------	Grades less than 0.60% slope
15"	Grades 0.60%-3.00%	Grades 3.00-12.00%	Grades exceeding 12.00%
18" to 24"	Grades 0.60%-1.50%	Grades 1.50%-7.00%	Grades exceeding 7.00%
30" to 36"	Grades 0.60%-1.50%	Grades 1.00%-4.00%	Grades exceeding 4.00%
42" to 72"	----------	Grades 2.50 or less	Grades exceeding 2.50%

(4) Gutter and inlet design. (a) Inlets shall be located or spaced in such a man ner that the design curb flow does not exceed eight feet (8') of spread.

(b) Underground stormwater facilities shall have accesses a minimum of two hundred feet (200') apart for pipe less than or equal to twenty-four inches (24") diameter, and three hundred feet (300') apart for pipe between thirty inches (30") inches and forty-two inches (42") in diameter.

(c) No flow shall be allowed to cross intersecting streets unless approved by the building official.

(d) Combination inlets shall always be used under sump conditions and at the end of cul-de-sacs.

(5) Culvert design. (a) Culverts shall be fifteen inches (15") diameter minimum and have a one-half percent (0.5%) slope minimum.

(b) RCP is required under all roadways.

(c) Arterial or collector roadway cross-drains shall be designed to pass the 50-year design storm. The 100-year design storm shall also be checked.

(d) Local roadway culverts shall be designed to pass the 10-year design storm. If the 10-year design flow exceeds one hundred (100) cfs, the local roadway cross-drains shall be designed to pass the 100-year design storm.

(e) A minimum velocity of 2.5 fps, when a culvert is flowing full, is required to ensure a self-cleaning condition during partial depth flow.

(f) A minimum of one (1') foot of cover shall be provided over all culverts.

(g) The maximum velocity shall be consistent with channel stability requirements at the culvert outlet.

(6) Bridges. (a) The peak discharge design return period for spans greater than twenty feet (20') shall be designed for the 100-year storm event.

(b) To allow debris to pass without causing damage, the recommended minimum clearance between the design flood stage and the low member of the bridge shall be one foot (1'), unless boat traffic is anticipated.

(7) Detention/retention design. (a) These guidelines will outline the way stormwater detention is to be calculated. Stormwater detention is necessary to control peak flow rates and is required for most developments.

(b) Major points of stormwater detention.

(i) Stormwater detention is required for any new development or redevelopment containing ten thousand (10,000) sf or more of impervious area.

(ii) Stormwater detention is defined as limiting the peak discharge rate for the post-developed conditions to be no greater than the peak discharge rate for the predeveloped conditions. This must be accomplished using the 2-year, 5-year, and 10-year storms.

(iii) Detention facilities should be designed with an emergency spillway capable of passing the 100-year event.

(iv) A dry detention basin must have a minimum of two percent (2%) slope in the bottom of the basin in order to drain properly. The side slopes should generally be 3:1 (H:V) or flatter, unless transversable access has been designed.

(v) All hydrologic and hydraulic computations for stormwater detention facilities must be prepared and stamped by a registered engineer (licensed in the State of Tennessee) and proficient in this field. Plans must show sufficient information to enable the builder to construct the facility as required.

(vi) Underground detention is the use of large underground structures to provide necessary volumes for attenuating stormwater peak flows. All underground detention must be within a structure; gravel or rock beds are not approved for detention. The following minimum requirements must be met before an underground storage facility will be considered for approval.

(A) The underground detention structure must provide adequate access for inspection from the surface. Public safety must be considered.

(B) The underground detention structure must be constructed of durable materials with a typical 100-year lifetime. Detention storage volume shall not include the porous space within a stone or gravel bed.

(C) The underground detention structure shall be designed to have positive drainage into the receiving channel or stormwater sewer, assuming there is a 10-year flood in the receiving facility.

(D) The underground detention structure shall not receive surface runoff directly from parking lots.

(E) Structural measures shall be in place to prevent blockages. Trash racks for periodic removal shall collect floatable waste materials. The underground detention structure shall have a means of being dewatered for inspection and maintenance purposes.

(F) A detailed maintenance and inspection plan must be submitted and approved (including inspection schedules and guidelines). Evidence of responsibility and financial budgeting must be presented.

(8) Erosion and sediment control. (a) The erosion and sediment control plan must include appropriate construction specifications for all control measures. These specifications must be developed by the design engineer as required for site-specific conditions. Typical specifications may be obtained from the most recent edition of the Tennessee Erosion and Sediment Control Handbook (Tennessee Department of Environment and Conservation).

(b) Properties adjacent to a land disturbance site shall be protected from sediment deposition. Vegetated buffer strips shall be at least twenty feet (20') wide.

(c) Sediment traps and ponds may be used to detain sediment-laden stormwater runoff from drainage areas. These shall be designed in accordance with the most recent edition of the Tennessee Erosion and Sediment Control Handbook.

(d) Temporary check dams shall be constructed across open channels.

(e) The designer must consider and provide a design to dissipate energy and eliminate scour on the downstream side of all outlet structures. See subsection (9) of this section for approved outlet protection alternatives.

(f) Ninety percent (90%) of all pervious areas on a site shall have a dense ground cover prior to release of any bond. In drainageways, one hundred percent (100%) of dense ground cover must be established.

(9) Outlet protection. (a) Outfalls must be designed to discharge the runoff without deterioration of the downstream drainage facilities.

(b) Fencing shall be required for detention areas where either:

(i) Rapid stage changes occur.

(ii) Water depths exceed two and one half feet (2.5') for more than twenty-four (24) hours.

(iii) Interior flow velocity is more than five (5) fps.

(iv) Interior side slopes are greater than 1.5:1.

(v) In some cases, it may be advisable to fence the watercourse or ditch rather than the detention area.

(c) Grates or covers are required on top of all detention pond outlet structures.

(d) Energy dissipater blocks and turf reinforced matting are preferred for outlet protection. Use of riprap requires prior approval from the building official.

(10) Sinkhole policy. (a) General. (i) The sinkhole policy establishes Sinkhole Regulated Areas (SRA) and is intended to regulate the use of lands considered vital to the natural drainage system of the municipality. The regulations set forth in this section shall apply to those areas where sinkholes are known to exist within the Livingston area and similar areas discovered during land development and/or construction.

(ii) The intent of this section is to regulate karst terrain development in order to protect the public health, safety, and welfare by guiding the development and use of environmentally constrained lands in a manner that promotes safe and appropriate development and construction, stormwater management, groundwater quality, and reduction of flooding.

(iii) The intent of SRAs is to add restrictions and limitations designed to promote public health, safety, and the general welfare. Specifically, the prevention of sinkholes and natural drainage ways malfunction will help mitigate potential health and safety hazards, property loss and/or damage, disruption of commerce and governmental services, extraordinary public

expenditures for flood protection and relief, and impairment of the tax base.

(iv) The Legislature of the State of Tennessee has, in §§ 13-7-201 through 13-7-210 of the Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the health, safety, and general welfare of its citizenry.

(b) Sinkhole and other geological information. (i) Karst topography is common in Overton County where soluble limestone forms the landscape. Sinkholes, collapsed sinks, springs, sinking creeks, and caves characterize this type of topography. All of these are numerous in and around Livingston.

(ii) The geological features of karst terrain play an important role in stormwater management, groundwater quality, and flooding for a significant portion of the Livingston area.

(iii) Sinkhole flooding is caused by large depressions in the ground, having little or no outlets, which simply store rainwater.

(iv) The protection and maintenance of the numerous sinkholes and associated karst terrain features in the area is essential for drainage, water quality, and a reduction of flooding. Specific requirements for land-disturbing activities and construction in and around sinkhole areas are necessary to reduce the potential for significant property damage and/or personal injury resulting from sinkhole flooding and collapse.

(c) Objectives. (i) Maintain property values and avoid property damage and/or safety concerns due to development in sinkhole areas.

(ii) Incorporate geotechnical practices to promote the stability and environmental quality of sinkhole areas.

(iii) Encourage the protection and retention of natural topographic drainage features, including sinkhole areas.

(iv) Protect groundwater by minimizing pollution caused by development activity in sinkhole areas.

(v) Protect downstream areas from flooding caused by development activity in sinkhole areas.

(vi) Promote building stability by limiting the location of structures in sinkhole areas by incorporating geotechnical techniques into development and construction activities.

(d) Definitions.

CAVE ENTRANCE DRIP LINE. The beginning of a cave defined as a line on the ground at a cave entrance formed by drips from the rock above at the outermost point of the entrance's overhang.

EPHEMERAL LAKE. A body of standing water occurring in a sinkhole of a karst region that is usually visible after sufficient precipitation has occurred. They may form from slow permeability of soils, rises in the water table, or the development of a natural liner of slow permeable clays or soils.

GROUNDWATER. The supply of freshwater under the ground surface in an aquifer or geologic formation that forms the natural reservoir for springs and wells.

GROUNDWATER DRAINAGE BASIN. An area of the landscape that drains through the subsurface to a spring or other component of a karst drainage system, such as a cave stream. This term is analogous to "catchment" for surface drainage systems, in which case it denotes an area of the landscape that drains to a river confluence or other point in a surface drainage system. In contrast to surface catchments, karst groundwater drainage basins generally cannot be determined by topographic maps, and thus must be delineated by other methods, such as dye tracing.

KARST. A terrain generally underlain by limestone or dolomite, in which the topography is chiefly formed by the dissolving of rock and which may be characterized by sinkholes, sinking streams, subterranean drainage, and caves.

KARST GEOLOGIC FEATURES. Geologic features that develop on karst terrain. Examples of karst geologic features are sinkholes, caves, sinking streams, and karst springs.

KARST SPRING. The discharge points for underground streams.

SINKHOLE. Any closed depression in soil or bedrock formed by the erosion and transport of earth material from below the land surface, which is circumscribed by a closed topographic contour and drains to the subsurface. The sinkhole boundary is described as an area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole, which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat or to infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

SINKHOLE COLLAPSE FEATURE. Sometimes called "cover collapse sinkhole," a relatively steep-side, "throat-like" sinkhole typically within a larger sinkhole and typically with rock or soil walls, formed by the erosion and transport of earth materials into the subsurface in a manner such that the expression of this transport has propagated to the surface.

SINKHOLE REGULATION AREA BUFFER. A non-buildable perimeter edge area around a sinkhole collapse feature, the extent of which is established in the field by a licensed geotechnical engineer. The purpose of the buffer is to minimize the exposure of impervious surfaces, such as structures, to sinkhole subsidence.

SINKHOLE TERRAIN SURVEY. A survey of property containing sinkhole areas as depicted on the Livingston Zoning Map. This survey depicting site-specific karst geologic features is required for submission prior to development review.

SINKHOLE WATERSHED. An area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole, which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat, or infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

SINKING STREAM SINKPOINT. The location where a surface stream disappears into the subsurface karst aquifer, either at a discrete point such as a cave entrance or gradually along the reach of a stream channel.

SURFACE WATER BODY. Any lake, stream, sinkhole, or other water area, whether natural or manmade, but not including any jurisdictional wetland.

(e) Exemptions. This section shall not apply to the following development construction activities.

(i) Addition of accessory structures or alteration of the ground surface (cutting, filling, grading, etc.) associated with landscaping, installation of walks or driveways, or similar activities on sites developed with a principal structure built prior to the effective date of these regulations.

(ii) Clearing and other activities required for surveying and preliminary site investigation, conducted after coordination with and permission from the building and codes department.

(iii) Maintenance of roads and utility lines.

(iv) Expansion of an existing residential structure by less than fifty percent (50%) or of a nonresidential structure by less than ten percent (10%).

(v) Construction on existing lots shown on plats or plans approved prior to the effective date of these regulations.

(f) Sinkhole terrain survey. Proposed development activity on land indicated as a sinkhole regulation area on the zoning maps will require that the applicant conduct and submit a sinkhole terrain survey

of the property, which shall identify site specific karst geologic features. This survey shall be conducted and certified by a geologist or geotechnical engineer licensed in the State of Tennessee, with the qualifications to review and analyze karst geological features. This shall include at least one field site inspection. The date of the site survey and the person conducting the survey shall be noted on the submitted survey.

(i) The following is a list of karst geologic features to be identified as part of the sinkhole terrain survey and identified on all submitted subsequent development plats or site plans. An asterisk (*) indicates those features requiring a sinkhole feature buffer as required in § 18-504(10)(g).

(A) Sinkhole*
(B) Sinkhole collapse feature*
(C) Cave entrance drip line*
(D) Sinking stream sink point*
(E) Springs
(F) Ephemeral lakes after rainfall
(G) Subsurface cave passages as determined by preexisting cave maps
(H) Surface drainage flow into the ground

(ii) The following is a list of requirements specific to certain karst geologic features that shall be indicated on all required plans when any of the features listed in § 18-504(10)(f)(i) have been identified.

(A) Location and limits of the area of the sinkhole depression, including the topographic boundary of the entire closed depression at two foot (2') contour intervals.
(B) Sinkhole low point location and elevation.
(C) Calculation of predevelopment and post-development surface drainage volumes directed toward the low point of the sinkhole.

(g) Sinkhole regulation area buffer. Proposed development sites that depict sinkholes or sinkhole collapse features on the sinkhole terrain survey shall require that the applicant's geotechnical engineer licensed in the State of Tennessee determine and certify the appropriate sinkhole retention area buffer, based on their analysis of the particular collapse feature.

(i) At a minimum, this analysis shall take into account surrounding evidence of instability, such as surrounding soil subsidence.

(ii) The sinkhole retention area buffer shall be measured starting from the last closed contour line of the sinkhole, as determined by the applicant's geotechnical engineer.

(iii) No activities are permitted within the sinkhole retention area buffer except for regular maintenance and landscaping.

(iv) Sinkhole retention area buffers located downslope of development activities shall be protected with soil erosion and sediment controls approved by the building and zoning department.

(v) Sinkhole retention area buffers shall include ground cover and tree plantings as approved by the building and zoning Department.

(vi) Volume of surface water runoff into a sinkhole low point shall not be increased from predevelopment conditions without approval from the building official.

(vii) If volume of surface water runoff is increased to a sinkhole, the sinkhole volume will be adjusted to account for the additional stormwater volume. In addition, an underground injection control permit will be required from TDEC.

(h) Discovery of sinkhole feature during development. The discovery of previously unknown karst geologic features during development activity shall require the following.

(i) All work other than erosion and sediment control installation within the area shall be immediately discontinued.

(ii) Developer shall report the discovery of such features to the building official.

(iii) Developer's geotechnical engineer licensed in the State of Tennessee shall report and consult on the matter with the building official.

(iv) Continuation of site disturbance and construction cannot proceed without express authorization from the building official and the Town of Livingston.

(v) The building official may require revisions to all related plats and other plans based on the location and scope of the newly discovered sinkhole feature. Revisions shall comply with § 18-504(10)(g).

(i) Permitted principal uses and structures

(i) Within residential districts, uses such as lawns, gardens, parking areas, and open space or landscaped areas.

(ii) Within commercial and industrial districts, uses such as loading areas, parking areas, and open space or landscaped areas.

(iii) Private and public recreation uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife

and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(iv) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(v) Any use which the building official determines to be compatible with the intent of this district.

(j) Prohibited uses and structures. Any use or structure not specifically permitted or permitted on appeal.

(k) Uses permitted by special review. Uses and structures permitted in the underlying zone may be permitted in a sinkhole retention area as shown on the Town of Livingston Zoning Map only upon application to the planning commission and subject to the following conditions.

(i) The applicant shall submit to the Livingston Building and Zoning Department evidence that the proposed use can be protected from inundation by retaining wall, levee, or other means without undue interference, either with the flow of any water course or with any necessary retention basin.

(ii) The building and zoning department shall review the evidence submitted by the applicant and make a written evaluation and recommendation of same to the Livingston Planning Commission.

(iii) Upon consideration of said evidence by the planning commission, the applicant may be granted a permit with protective measures stipulated as being conditional to approval of the permit.

(iv) No building permit or use and occupancy permits shall be issued until and unless the above conditions have been met to the satisfaction of the building official.

(v) All subdivision proposals and other new development plans are required to record the boundaries of the sinkhole regulation area buffer. This boundary may differ from the established sinkhole regulation area buffer only on approval of the building and zoning department, which shall be noted on said plat or plans.

(l) Standards for review. In all areas designated as a sinkhole retention area where a use is proposed that is not specifically permitted, review by the planning commission will include a site plan showing all of the following items.

(i) Scale not less than one inch equals one hundred feet (1" = 100').

(ii) Two foot (2') contour intervals.

(iii) Location and lowest elevation of sinkholes.

(iv) Location of natural and manmade drainage ways.

(v) Zoning of adjacent properties.

(vi) Any other features deemed appropriate by the building official in conjunction with the Town of Livingston Public Works Director. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-505. Post-construction. (1) General. (a) The following requirements apply to existing and proposed sites.

(i) Sedimentation and erosion control shall be maintained on-site until the site has been established and approved by the building official. The building official shall have the authority to require the owner(s) to repair on-site erosion and manage siltation before it leaves the property.

(ii) In areas where a floodplain and floodway have been identified on the most current FEMA maps, the buffer shall be inclusive of all areas within the floodway. Additional buffer width may be required by the building official.

(iii) In areas where a floodplain and floodway have not been identified on the most current FEMA maps, and if the waterway on the United States Geological Quadrangle map is a "blue line" or intermittent "blue line" stream, the buffer shall be at least twenty-five feet (25') feet perpendicular from each side of the stream bank.

(2) Post-construction maintenance. (a) Private ownership - in all cases except where the stormwater facilities are under municipal ownership, responsibility for maintenance shall lie with the owner of the facilities. The responsibilities of the owner for post-construction maintenance of the stormwater facilities shall be submitted with the plans for determination of their adequacy. Approval of these plans shall be conditioned upon a determination by the building official that such responsibilities are adequately addressed. These terms shall be in writing, subject to recording, and in addition to any other terms deemed necessary to the enforcement of this ordinance, contain a provision permitting inspection at any reasonable time by the municipality. The owner shall also execute a stormwater facilities agreement with the Town of Livingston, a copy of which shall be kept on file in the office of the building official.

(ii) Municipal ownership - where the municipality has accepted an offer of dedication of the permanent stormwater management facilities, Livingston shall be responsible for maintenance.

(3) As-built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer

licensed to practice in Tennessee. Detention stormwater calculations based on as-built detention pond(s) shall be provided to certify that constructed basin(s) meet the designed intent. A final inspection by Livingston is required before any performance security or performance bond will be released. The municipality shall have the discretion to adopt provisions for a partial pro rata release of the performance security or performance bond on the completion of various stages of development.

(4) Landscaping and stabilization. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the building official. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased and will be in accordance with the most recent edition of the Tennessee Erosion and Sediment Control Handbook. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased. Slopes greater than thirty-five percent (35%) shall be stabilized within seven (7) days. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay-sized particles) or crusher runs will not be considered a non-eroding surface. The following criteria shall apply to re-vegetation efforts.

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area re-vegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design, describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site

will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(5) Inspection of stormwater management facilities. The Town of Livingston municipality may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities.

(6) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this article, the municipality, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the municipality shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the municipality may take necessary corrective action. The cost of any action by Livingston under this section shall be charged to the responsible party. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-506. Illicit discharges. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-506. Prohibition of illicit discharges. (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with § 18-505(5) shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to,

sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, and improper disposal of auto and household toxics. The commencement, conduct, or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited, except as follows.

(i) Uncontaminated discharges from the following sources.

(A) Water line flushing or other potable water sources.

(B) Landscape irrigation or lawn watering with potable water.

(C) Diverted stream flows.

(D) Rising groundwater.

(E) Groundwater infiltration to storm drains.

(F) Pumped groundwater.

(G) Foundation or footing drains.

(H) Crawl space pumps.

(i) Air conditioning condensation.

(J) Springs.

(K) Non-commercial washing of vehicles.

(L) Natural riparian habitat or wetland flows.

(M) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine).

(N) Firefighting activities.

(O) Any other uncontaminated water source.

(ii) Discharges specified in writing by the municipality as being necessary to protect public health and safety.

(iii) Dye testing is an allowable discharge if the municipality has so specified in writing.

(2) Prohibition of illegal connections. (a) The construction, use, maintenance, or continued existence of illicit connections to the municipal separate storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) Accidental spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of

hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the municipality in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)

18-507. <u>Enforcement</u>. The Town of Livingston may institute appropriate actions or proceedings by law or equity for the enforcement of this ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense, and nothing herein contained shall prevent the municipality from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties shall be available to Livingston in response to violations of this ordinance. If the person, property, or facility has or is required to have an NPDES permit from the Tennessee Department of Environment and Conservation, the municipality shall alert the appropriate state authorities of the violation.

(1) <u>Notice of violation</u>. (a) Whenever the building official finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance, a permit, or order issued hereunder, the building official may serve upon such person a notice of the violation. The Livingston Building and Zoning Department Notice of Violation requires the owner/builder/bond insurer to comply with all issues that are stated on the notice of violation. If the listed violations are not corrected at the time of the reinspection, an additional inspection will be scheduled within five business days, at which time a stop work order may be issued. If a stop work order has been issued, the owner/builder has five (5) days to comply with the notice of violation issues before the municipality will take all action necessary to ensure compliance, including, but not limited to, forfeiting any relevant bond and/or enforcing penalties.

(b) A copy of the Notice of Violation form is available in the office of the Livingston Building and Zoning Department.

(2) <u>Stop work order</u>. (a) When the building official finds that any person has violated or continues to violate this ordinance, any permit, or order issued hereunder, the building official may issue a stop work order

to cease and desist all such work and direct those persons in noncompliance to:

(i) Comply forthwith.

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

(b) A copy of the stop work order form is available in the office of the Livingston Building and Zoning Department. (as added by Ord. #2016-2-1, March 2016 ***Ch1_09-08-20***)