

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWER USE ORDINANCE.
2. CROSS CONNECTIONS.

CHAPTER 1

SEWER USE ORDINANCE²

SECTION

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18-101. Purpose and policy. The sewer use ordinance sets uniform requirements for discharges into the wastewater collection system and treatment works and enables the City of Newport, Tennessee to comply with the provisions of the Federal Water Pollution Control Act Amendments of 1972, PL92-500, the Clean Water Act of 1977 and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law and to derive maximum public benefit by regulating the quality and

¹Charter references

- Newport Utilities Board: § 1.18.
- Sewer charges: § 1.20.
- Waterworks and sewers: § 1.19.

Municipal code references

- Building, utility and housing codes: title 12.
- Refuse disposal: title 17.

²Municipal code reference

- Plumbing code: title 12, chapter 2.

quantity of wastewater discharged into the wastewater collection system and treatment works. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. The main purpose of this ordinance is to prevent the introduction of pollutants into the Publicly Owned Treatment Works (hereinafter referred to as POTW) which will interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or into the atmosphere, or otherwise be incompatible with the treatment works. This ordinance provides guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the service area. The ordinance establishes pretreatment requirements for industrial waste before discharge into public sewers as required in title 40, part 403 of the Regulations of the Environmental Protection Agency (Federal Register, Vol. 43, No. 123) and any subsequent amendments thereof; establishes control over the contribution of wastewater which requires greater treatment expenditures than those necessary for equal volumes of normal domestic wastewater; and provides measures for the enforcement of its provisions and abatement of violations thereof. This ordinance shall supersede any other ordinances or portions thereof which are in conflict with this ordinance. (Ord. #____, Oct. 1980)

18-102. Definitions. For the purpose of this ordinance the following phrases and words shall have meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(1) "Act" or "the Act" means Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approval authority," means the director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "BOD (denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

(4) "Board." The Newport Utilities Board.

(5) "Building sewer," means the sewer conveying wastewater from the building drain to the public sewer or other place of disposal.

(6) "Categorical standards." National pretreatment standards.

(7) "City," means the City of Newport, Tennessee, a municipal corporation.

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

(9) "Compatible wastes," biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment works NPDES permit, for which the publicly-owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(10) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the board.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the general manager if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(12) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

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

(14) "Domestic use" of the facilities of the wastewater treatment system shall be defined and limited to single family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and used for residential purposes only.

(15) "Environmental Protection Agency" or "EPA," means the agency of the United States or where appropriate the term may also be used as a designation of the administrator or other duly authorized officials of said agency.

(16) "Extra strength wastewater" shall mean any wastewater that has any characteristic or combination of characteristics exceeding the characteristics of normal domestic wastewater and that require effort or expenditure over and above that required for treatment of normal domestic wastewater.

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

(18) "General manager." The General Manager of the Newport Utilities Board.

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

(20) "Incompatible wastes," all pollutants other than compatible wastes defined within.

(21) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

(22) "Industrial user," means a source of indirect discharge which does not constitute a "discharge or pollutant" under regulation issued pursuant to section 402 of the Act.

(23) "Industrial wastes" are the liquid wastes, other than domestic wastewater resulting from processes or operations employed in industrial commercial establishments.

(24) "Interference," means inhibition or disruption of sewer treatment system processes or operations or which contribute to the violation of any requirement of the city's NPDES permit. The term includes presentation of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act or any criteria, guidelines or regulations developed pursuant to Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by POTW.

(25) "Maximum concentration," a maximum amount of a specified pollutant into the volume of water or wastewater.

(26) "National Pollutant Discharge Elimination System or NPDES permit," a permit issued to a POTW pursuant to 402 of the Act.

(27) "National pretreatment standards" or "pretreatment standards," means regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users and/or this ordinance.

(28) "Natural outlet" shall mean any point of discharge into a water course, pond, ditch, lake, stream, or other body of surface or ground water.

(29) "New source," any source, the construction of which is commenced after the publication of proposed regulations prescribed in section 307(c) categorical pretreatment standards which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of a proposal and in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(30) "Normal domestic wastewater," shall be regarded as normal for the city, if analyses show daily average concentrations of suspended solids, BOD, animal and vegetable oil and grease, and ammonia which do not exceed the limitations on wastewater strength as established herein; and if it contains only compatible pollutants as defined herein.

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

(32) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A pH value indicates the degree of acidity or alkalinity.

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

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

(35) "Pretreatment." The reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of pollutant properties and 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 or biological processes, changes or by other means, except if prohibited by 40 CFR section 403.6(d).

(36) "Publicly Owned Treatment Works" or "POTW," a treatment works as defined by section 212 of the Act, which is owned in this instance by the board. This definition includes any sewer that conveys wastewater to such a treatment works, that does not include pipes, sewers or other conveyances not connected to the facility providing treatment.

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

(38) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and stormwater.

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

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

(41) "Significant industrial user" shall mean any industrial user of the board's wastewater treatment system whose flow exceeds twenty-five thousand (25,000) gallons per day or whose discharge has a significant impact on the operation and performance of the POTW.

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

(43) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(44) "Superintendent." The person designated by the general manager to supervise the operation of the publicly owned treatment works.

(45) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in wastewater, and which are measurable as prescribed by "standard methods" and expressed in milligrams per liter.

(46) "Toxic pollutant," any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator or the Environmental Protection Agency under provisions 33 USC 1317.

(47) "Treatment works." Any devices and systems used in the storage, treatment, recycling and reclamation of domestic wastewater and industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extension, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply such as a stand-by treatment unit and clear well facilities; and any works, including land, that will be an integral part of a treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer systems.

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

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

(50) "User," shall mean any occupied property or premise having a connection to the sewer system or having access thereto.

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

(52) "Wastewater" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm water as may be present.

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

(54) Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. # ____, Oct. 1980)

18-103. Use of and connection to public sewers. (1) Requirements.

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 board, any human or animal excrement, garbage, or other objectionable waste; and it shall be unlawful to discharge to any natural outlet within the service area of the board any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool, or other facility intended or used for the disposal of sewage.

(2) Availability. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting any street, alley, or right-of-way 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 a direct connection to the public sewer shall be made within thirty (30) days after date of official notice to do so, provided the sewer is available. The sewer should be considered available where the first floor of the building above or on ground level can be served in accordance with the board's rules and regulations and general practice. Where a sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewerage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after the sewer is accepted by the treatment works. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the general manager for cause.

(3) Connection to public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance therefore without first obtaining a written permit from the general manager.

(b) 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(c) The connection of the building sewer into the public sewer shall conform to the rules and regulations the board may establish and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the general manager before installation.

(d) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the board. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(e) 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 city.

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

(g) All costs and expense incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) Inspection of connections. The sewer connection and all sewer laterals from the building to the sewer main line shall be inspected by an inspector of the board before any underground portion is covered.

(5) Use and maintenance of building sewers. Building sewers that have been previously used but have been abandoned due to the razing of the building structure may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance. All others may be sealed to the specifications of the board. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the board.

(6) Private wastewater disposal. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this ordinance and requirements of the Cocke County Health Department.

(7) Interruption of service. The board shall not be liable for any damage resulting from failure or overflow of any sewer main, service pipes or valves, or by discontinuing the operation of its wastewater collections, treatment and disposal facilities for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment and disposal facilities

from any cause whatsoever. In cases of emergency the board shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the board and the treatment works.

(8) Discontinuance of service and refusal to connect service. The board shall, after written notice, and allowance of a reasonable time for remedial action, have the right to discontinue service or to refuse to render service for a violation of, or a failure to comply with, this ordinance, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the board. 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 such customer or tenant. Discontinuance of service by the board for any causes stated in this ordinance shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The board shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the board or has heretofore had his service disconnected because of a violation of this ordinance or the rules and regulations of the board. (Ord. # ____, Oct. 1980)

18-104. Private domestic wastewater disposal. (1) Availability. Within the service area of the board where a public sanitary sewer is available under the provisions of this ordinance, the building sewer or sewer service the premises shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Requirements. (a) Within the service area of the board, septic tanks and disposal fields are constructed or reconstructed only in locations which have been approved by the board. The discharge from the septic tank shall be disposed of in such manner that it shall not create a nuisance on the surface of the ground, nor be permitted to discharge to any natural outlets, or pollute the underground water supply.

(b) When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material. In areas outside of the board's service area, septic tank and disposal field systems shall be subject to rules and regulations of the Coker County Health Department.

(c) Plans and specifications for all private wastewater disposal systems other than septic tanks and drainfields must be submitted to the board for review and written approval by the general manager. The type, capacity, location and layout of a private wastewater disposal system shall comply with all rules and regulations of the Department of Environment and Conservation of the State of Tennessee. Any private wastewater disposal system which discharges directly to any natural outlet shall be subject to the National Pollutant Discharge Elimination System of the federal government.

(3) Wastewater disposal services. (a) Permit. No person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the board 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 board when the conditions of this ordinance have been met and providing the general manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(b) Fees. For each permit issued under the provisions of this ordinance, an annual service charge therefore shall be paid to the board to be set as specified in § 18-109. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(c) Designated disposal locations. The general manager or his representative 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.

(d) Revocation of permit. Failure to comply with all the provisions of this ordinance shall be sufficient cause for the revocation of such permit by the board. The possession within the board's service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or 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 board's service area. (Ord. # ____, Oct. 1980)

18-105. Applications for service--permits. (1) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the general manager and be duly approved before connection is made. The receipt by the board of a prospective customer's application for service shall not obligate the board to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the board's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the board to the applicant for such service, except that conditional waivers for additional services may be granted by the general manager for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial use. (a) Application. An application for original, additional, or continuation of service must be made at the office of the general manager, and must be duly approved before connection is made. The application shall be in the prescribed form of the board and shall include to the extent reasonably available the estimated pH, temperature, volume and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the board of a prospective customer's application for service shall not obligate the board to render the service. If the service applied for cannot be supplied in accordance with this ordinance or the board's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the board to the applicant of such service.

(b) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the general manager that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

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 in making studies; 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 board, general manager, or superintendent as confidential shall not be transmitted to any

governmental agency or to the general public by the board, general manager, or superintendent until and unless prior and adequate notification is given to the user.

(3) Industrial discharge permit. (a) Wastewater discharge permits required. All industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit therefore. All existing industrial users connected to or discharging to any part of the board's system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this ordinance.

(b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the general manager, an application in the form prescribed by the board, and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

- (i) Name, address, and SIC number of applicant;
- (ii) Volume of wastewater to be discharged;
- (iii) Wastewater constituents and characteristics;
- (iv) Time and duration of discharge;
- (v) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (vii) Description and quantities of all materials on the premises which are, or could be, discharged.
- (viii) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

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

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions by the board. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this ordinance, and applicable state and federal regulations. Permit conditions will include the following:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.
- (ii) The average and maximum wastewater constituents and characteristics.
- (iii) Limits on rate and time of discharge or requirements for flow regulation and equalization.

(iv) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment.

(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(vi) Daily average and daily maximum of discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vii) Compliance schedules.

(viii) Other conditions to ensure compliance with this ordinance.

(d) Duration of permit. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. If the user is not notified by the general manager thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for six (6) months. The terms and conditions of the permit may be subject to modification and change by the board during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Transfer of a permit. 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.

(f) Revocation of permit. Any user who violates the following conditions of his permit or of this ordinance, or applicable state and federal regulations, is subject to having the permit revoked. Violations subjecting a user to possible revocation of permit include, but are not limited to, the following:

(i) Intentional failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(ii) Failure of the user to report significant changes in operations or wastewater characteristics;

(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

(v) Violation of conditions of the permit.

(4) Incomplete applications. The board will act only on applications containing all the information required in this section. Persons who have filed

incomplete applications will be notified by the general manger 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 general manager, the general manager shall submit the application to the board with a recommendation that it be denied and notify the applicant in writing of such action. (Ord. # ____, Oct. 1980)

18-106. Commercial and industrial pretreatment. (1) Criteria for pretreatment. Any wastewater discharge from a commercial or industrial user of the wastewater treatment system whose discharge violates the provisions set out in the prohibited wastewater discharges or the restricted wastewater discharges of this ordinance shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Any commercial or industrial wastewater discharge exceeding only the limitations on wastewater strength provision of this ordinance may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

(2) Pretreatment facilities. (a) Design and construction. All commercial or industrial users of the wastewater treatment works who elect or are required to construct new or additional facilities for pretreatment, shall submit plans, engineering reports and studies, specifications, and other pertinent information relative to the proposed construction to the general manager for review and approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee.

Written approval of the general manager must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the board for approval will be retained as file material for future reference with one approved copy returned to the user.

(b) Compliance schedule. In the event new additional pretreatment facilities for existing sources are required under the provisions of this ordinance, the users shall have two (2) years within which to install and place such facilities into operation but during said two (2) year period, shall submit written progress reports to the general manager not less often than each six (6) months. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstances beyond the user's control, this time may be extended by the general manager for a period of time not exceeding the time limits imposed by federal pretreatment regulations.

(c) **Inspection of facilities.** A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the general manager and written approval for operation is issued to the owner by the general manager. The general manager or his representative shall be allowed to inspect the work at any state of construction, and in any event, the applicant for the permit shall notify the general manager when the work is ready for final inspection. In addition, the general manager or his representative shall be allowed to make periodic inspections of the facilities in operation as he deems necessary.

The general manager or his representative may inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the general manager or his representatives ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The general manager shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. If the user is found to be in violation of his discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including sampling and analytical costs.

(d) **Maintenance of facilities.** It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The board must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis. (Ord. # ____, Oct. 1980)

18-107. Monitoring, reports, access, and safety. (1) Monitoring facilities. All users who propose to discharge wastewater with constituents and characteristics different from normal domestic wastewater shall be required to install a monitoring facility. Monitoring facility shall be a manhole or other suitable facility approved by the general manager.

When, in the judgment of the general manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the general manager 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 general manager, it

shall be provided and installed at the user's expense. However, such sampling and metering equipment shall be required only after sampling and metering by the general manager establishes the existence of significant variations in concentrations or constituents of the user's discharge. Monitoring facility operation maintenance, sampling, and testing performed by the general manager shall be at the user's expense. Wastewater samples will be made available to the industry if requested.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The general manager 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.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for the board's personnel.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the board's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the general manager, an existing user requires monitoring facility, the user will be so notified in writing. Construction must be completed within one hundred eighty (180) days following written notification unless an extension is granted by the general manager.

(2) Reports. Any industrial user subject to a pretreatment standard, in accordance with the provisions of this ordinance, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencing the discharge into the POTW, shall submit to the general manager during the months of June and December, unless required more frequently in the pretreatment standard or by the general manager, a report indicating the nature and concentration of pollutants in the effluent which are limited to such pretreatment standards. In addition, this report shall include a record by all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the general manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc. the general manager may agree to alter the months during which the above reports are to be submitted.

The general manager may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph shall indicate mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass limits where requested by the general

manager of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act [33 USC 1314 (h)] and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the board.

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

- (a) The date, exact place, method, and time of sampling and the names of persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the general manager, or his representative, Director of the Division of Water Quality Control Tennessee Department of Environment and Conservation, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the general manager, the director, or the Environmental Protection Agency.

(4) Entry on private property. The general manager or his representative bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The general manager or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industrial beyond that point having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for waste treatment.

(5) Safety. While performing the necessary work on private properties, the general manager or his representative 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 board's employees and the board shall indemnify the company against loss or damage to its property by the board's 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.

(6) Easement. The general manager or his representative bearing proper credentials and identification shall be permitted to enter all private properties through which the board holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of the portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #___, Oct. 1980)

18-108. Discharge regulations. (1) Applicability. All users of the facilities of the POTW shall comply with the board's regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods."

(2) Prohibited wastewater discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:

(a) Any water or wastes having explosive properties, containing toxic or poisonous substances, or noxious or malodorous gas, which either singly or by interaction with other wastes is capable of causing an obstruction, or which may in any other way cause any interference with the proper operation of the POTW.

(b) Any polluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load of the treatment system.

(c) Wastes with objectionable color not removable by the treatment process.

(d) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater.

(e) Heat in amounts which will inhibit biological activity to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40° Centigrade (104° Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Centigrade (150° Fahrenheit).

(f) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of POTW.

(g) No person shall discharge or permit to be discharged any radioactive waste into a public sewer except:

(i) When the person is authorized to use radioactive materials by the Tennessee Department of Environment and Conservation or the Nuclear Regulatory Commission;

(ii) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(iii) When a copy of permits received from said regulatory agencies having been filed with the general manager.

(h) Wastewater at a flow rate or containing such concentration or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

(i) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (½) inch in any dimension.

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

(3) Restricted wastewater discharges. Standards for restricted wastewater discharges shall be adopted by the board which will enable it to comply with the Act and its amendments. As a minimum, pretreatment standards shall be adopted for the parameters listed in the following table.

No person or user shall discharge wastewater which exceeds the pretreatment standards for restricted discharges established by the board, unless an exception is permitted as provided by this ordinance. Dilution of any wastewater discharge for the purpose of satisfying the requirements of the board shall be considered in violation of this ordinance.

Parameter

Antimony

Arsenic

Cadmium

Chromium (total)

Copper

Cyanide

Lead

Mercury

Nickle

Selenium

Silver
 Surfactants, as MBAS
 Zinc
 Phenols

(4) Protection of treatment plant influent. The general manager shall initiate technical studies to establish protection criteria for the POTW influent, in terms of maximum allowable concentrations of the parameters listed in the table (and other parameters applicable) to prevent interference with and inhibition of the treatment process including sludge disposal and to prevent violation of the NPDES permit for the POTW.

A schedule of protection criteria for the parameters listed shall be adopted by the board. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds protection criteria established by the board, the general manager shall initiate additional technical studies to determine the cause of the POTW influent violation and shall recommend to the board the necessary remedial measures; including, but not limited to, recommending the establishment of new or revised pretreatment standards for these parameters. The general manager shall also recommend changes to the board to any of these criteria in the event that: the POTW effluent standards are changed, there are changes to any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Parameter
 Boron
 Cadmium
 Chromium (total)
 Chromium (hexavalent)
 Copper
 Cyanide
 Lead
 Nickel
 Zinc

(5) Right to establish more restrictive criteria. No statement in this ordinance is intended or may be construed to prohibit the board from establishing specific wastewater discharge criteria to be more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or interfere with the use or handling of sludge, or to pass through the POTW 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.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the board and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the board and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unfit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit.

(7) Limitations on wastewater strength. It is the intent of this ordinance to regulate all discharges of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by twenty-four (24) hour composite samples, shall be as follows:

Pollutant	Daily Average Concentration (mg/l)
BOD	250
SS	250
Oil and Grease	100
Ammonia	30

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-108(2) and (3) of this chapter. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in § 18-110.

The general manager shall allow applications for temporary exception at any time. However, the general manager shall not accept an application that the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the board.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the board in its review of the application.

(b) Conditions. All exceptions granted under this subsection shall be temporary and subject to revocation at any time by the general manager upon reasonable notice.

The user requesting the exception must demonstrate to the general manager that the user is making a concentrated and serious effort to maintain his standards of operation control, housekeeping levels, etc. so

that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if exempted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system;

(ii) Limit the sludge management alternatives available and increase the chance of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will cause the discharger to violate its in-force federal pretreatment standards unless exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of pollutant for which the variance has been granted in excess of the concentration stipulated in this ordinance based on the average daily flow of the user.

At such time that the levels of pollutants must be reduced because of violations of any of the provisions in this section, the following methods shall be used to reduce the discharge levels: All users shall be required to reduce their discharge levels by a sufficient amount to meet the standards being violated. Users shall be required to reduce their discharge levels proportion to their contribution to the system.

(c) Review of application by the general manager. All applications for an exception shall be reviewed by the general manager. If the application does not contain sufficient information for complete evaluation, the general manager shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the general manager to correct such deficiencies. This thirty (30) day period may be extended by the general manager upon application and for just cause shown. Upon receipt complete application, the general manager shall evaluate same within this thirty (30) days and shall submit his recommendations to the board at its next regularly scheduled meeting.

(d) Review of application by the board. The board shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more

stringent than those in § 18-108 of this chapter and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive and alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(9) Relaxation of discharge criteria. The general manager shall, to the maximum extent feasible, recommend to the board a relaxation of criteria established in this ordinance in the event that the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards.

(10) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this ordinance shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will

prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the general manager for review, and shall be approved by the general manager before construction of the facility.

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 ordinance.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the general manager or his representative by telephone and enable countermeasures to be taken by the superintendent to minimize damage to the POTW, 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 will not relieve the user of liability for any expected loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or state or federal law.

(c) Notice to employees. In order that employees of users be informed of the board's requirements, users shall make available to their employees copies of this ordinance together with such other wastewater information and notices which may be furnished by the board from time to time directed toward more effective pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

(d) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated. (Ord. # ____, Oct. 1980)

18-109. Wastewater charges, fees, and billing. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the board which will enable it to comply with the revenue requirements of the Act and its amendments. Charges and fees shall be determined in a manner consistent with regulations of the Act and policies of the board to insure that sufficient revenues are collected to defray the board's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient

funds for capital outlay, bond service costs, capital improvements, depreciation, and equitable industrial cost recovery of EPA administered federal grants.

(2) Classification of users. All users are to be classified by the board either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the board's cost.

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

- (a) User classification charges;
- (b) Fees for monitoring, maintenance, and analysis;
- (c) Fees for permits;
- (d) Surcharge fees;
- (e) Industrial cost recovery charge;
- (f) Local capital recovery charges;
- (g) Discharge permit fees.

(4) Charges and billing. (a) Wastewater service charge. The wastewater service charge for normal domestic wastewater is based on the water discharged to the POTW as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and the schedule of charges and fees adopted by the board.

(b) Extra strength surcharge. Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this ordinance without appropriate permit therefore will be subject to surcharges to compensate the POTW for above normal operating and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the schedule of charges and fees adopted by the board. Users who discharge extra strength wastes without a permit shall be subject to the provisions of § 18-112(8) of this chapter.

(c) Sampling, flow monitoring, and analysis. Users who are required by the general manager to have sampling and fee monitoring devices installed (temporary or permanent) shall, if applicable be charged to compensate the board for operating and maintaining equipment and for performing analytical tests on their discharge.

(d) Industrial cost recovery charges. All nongovernmental users identified in the Standard Industrial Classification Manual, 1972, Office

of Management and Budget, as amended and supplemented under Division A (agriculture, forestry and fishing), Division B (mining), Division D (manufacturing), Division E (transportation, communications, electric gas, and sanitary services), and Division I (services), which discharge to the sanitary sewers wastes other than domestic wastes or wastes from sanitary conveniences shall be assessed a federal industrial cost recovery charge in connection with federally funded projects as required in title 40, part 35 of the U.S. EPA regulations, based on a schedule of charges and fees which shall be adopted by the board. The federal ICR charge will not be assessed until required by applicable federal regulations.

(e) Local capital recovery charges. All such users identified in subsection (4)(d) of this section shall also be assessed a local capital recovery charge in connection with both federally funded and non-federally funded projects. The local capital recovery charges shall be based on a schedule of charges and fees which shall be adopted by the board to recover the portion of the project capital cost applicable to each such user.

(f) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the board, subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition the wastewater service charge. In addition, certain industrial users will be liable for payment of industrial cost recovery, sampling, flow monitoring, and analysis charges, and other charges as applicable.

(i) Minimum charges. The minimum charge for sewer service will be stated in the schedule of rates and charges as established by the board.

(ii) Estimated billing. 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 board reserves the right to render an estimated bill based on the best information available. The board also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water supply and discharges the wastewater into the POTW, the customer must install or have installed according to the board's specifications and maintain a supplementary meter to measure the amount of water so used and the amounts so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and correction of errors. Adjustments to billing for over or under registration of meters, for leaks, for the

determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are granted to water consumers by the board will be accepted by the board and such adjustments for water use shall be applied in obtaining the indicated adjusted billing of sewer charges. All other requests for adjustments of sewer charges made to the board shall be referred to the general manager who will handle such complaints. Any adjustments or decision thus authorized by the general manager shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of nonavailability of sewers may be made to the general manager. Exemptions from the charge will retroactive to the commencement date of the sewer service charge.

(5) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedure provided in this ordinance. (Ord. # ____, Oct. 1980)

18-110. Enforcement and abatement. (1) Issuance of cease and desist orders. When the general manager finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this ordinance, or the provisions of a wastewater discharge permit, the general manager shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

(a) Comply forthwith;

(b) Comply in accordance with a time schedule set forth by the superintendent; or

(c) Take appropriate remedial or preventive action in the event of a threatened violation;

(d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(2) Submission of time schedule. When the general manager finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the general manager shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(3) Hearings/appeals. (a) Except in those emergency situations as provided for in subsection (9) of this section the general manager shall afford any user an opportunity for a hearing and shall provide not less

than forty-eight (48) hours notice thereof, before terminating service for any reason other than nonpayment.

(b) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the general manager interpreting or implementing the provisions of this ordinance or in the granting or refusing of any permit issued hereunder, a file with the general manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The general manager's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom unless modified or suspended by the city.

(c) If the ruling made by the general manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the city. The written appeal shall be heard within thirty (30) days from the date of filing. The board shall make a final decision on the appeal within thirty (30) days of the close of the meeting. The decision, action, or determination of the board shall remain in effect during the pendency of any appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and any evidentiary hearing.

(4) Notice to user. Notice of a discharge in violation of this ordinance shall be served on the owner, user, and/or permit holder by certified mail, return receipt requested, as well as and in addition to any other means of communication that the board has available to notify the party of said violation and the need for corrective action.

(5) Public nuisance. Discharges of wastewater in any manner in violation of this ordinance or of any order issued by the general manager as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the general manager. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance.

(6) Correction of violation and collection of costs. In order to enforce the provisions of this ordinance, the general manager shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the board shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(7) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to facilities, the general manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(8) Injunction. Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the general manager may petition the circuit or chancery court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

(9) Termination of service. In order to effect its powers, the general manager or his representative may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation of this ordinance is found to exist.

Prior to termination of service, however, the general manager shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided.

In the event of an emergency that, in the opinion of the general manager, threatens harm to the facilities or endangers the public health, the general manager shall notify the owner and/or tenant and immediately take action to terminate service to the property. In such cases, a hearing shall be held with the general manager on said termination within twenty-four (24) hours to allow the user an opportunity to demonstrate to the general manager that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists.

(10) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this ordinance, requirements or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability may be in a sum of not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs.

The general manager may petition the circuit or chancery court to impose, assess, and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective action, if any.

(11) Penalties. Any person who shall continue any violation beyond the time limit specified by the general manager shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense, unless the fact of such violation is being appealed as herein provided.

(12) Falsifying of information. Any person or user who knowingly makes any false statements, representation, record, report, plan or other document filed with the general manager or who falsifies, tampers with or

knowingly renders inaccurate any monitoring device or method required under this ordinance, is hereby declared to be in violation of this ordinance, and subject to the civil liberties imposed under subsection (10). (Ord. #____, Oct. 1980)

CHAPTER 2

CROSS CONNECTIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

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

(5) "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.

¹Charter references

Newport Utilities Board: § 1.18.

Sewer charges: § 1.20.

Waterworks and sewers: § 1.19.

Municipal code references

Plumbing code: title 12.

Sewer use: title 18, chapter 1.

(6) "Public water supply." The waterworks system furnishing water to the City of Newport for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #85-2, Feb. 1985)

18-202. Standards. The Newport Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #85-2, Feb. 1985)

18-203. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection, to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the general manager of the Newport Public Water Supply. (Ord. #85-2, Feb. 1985)

18-204. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the general manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #85-2, Feb. 1985)

18-205. Inspections required. It shall be the duty of the general manager of the public water supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the general managers of the Newport Public Water Supply and as approved by the Tennessee Department of Environment and Conservation. (Ord. #85-2, Feb. 1985)

18-206. Right of entry for inspections. The general manager or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Newport Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee,

or occupant of any property so served shall furnish the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #85-2, Feb. 1985)

18-207. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the general manager of the Newport Public Water Supply.

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 a reasonable time and within the time limits set by the Newport Public Water Supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #85-2, Feb. 1985)

18-208. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

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

The general manager of the Newport Public Water Supply or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that

may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the general manager of the public water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Newport Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the general manager, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the general manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The Newport Public Water Supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the general manager of the Newport Public Water Supply.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the general manager of the public water supply. (Ord. #85-2, Feb. 1985)

18-209. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (Ord. #85-2, Feb. 1985)

18-210. Violations. The requirements contained herein shall apply to all premises served by the Newport Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Newport corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (Ord. #85-2, Feb. 1985, modified)