

TITLE 18**WATER AND SEWERS¹****CHAPTER**

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18-101. Purpose and policy. This chapter sets forth uniform requirements for the users of the wastewater collection and treatment system for the Town of Rogersville, Tennessee, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

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

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Rogersville, and to the persons outside the town who are, by contract or agreement with the town, users of the Town of Rogersville's POTW. Except as otherwise provided herein, the superintendent of the water and sewer department for the Town of Rogersville shall administer, implement, and enforce the provisions of this chapter. (Ord. #2-11-97-2, April 1997)

18-102. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Administrator." An authorized representative empowered to manage, implement and enforce business or public affairs.

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

(4) "Authorized representative of user." An authorized representative of a user may be:

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

(b) A general partner or proprietor if the user is a partnership or proprietorship, respectively;

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

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

(6) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards." National categorical pretreatment standards or pretreatment standard.

(8) "Category I user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the Town of Rogersville, to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, glass, entrails, or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP. Such user shall maintain records of:

(a) The maintenance of their pretreatment system, and

(b) The disposal of material removed from the wastewater stream.

(9) "Category II user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance, or other ordinance or regulation of the Town of Rogersville, to install and maintain a basket-type or bar-type separator/interceptor for the removal of strings, buttons, rags, glass, or other solids likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewerage system or the WWTP.

(10) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants in the publicly-owned treatment works is designed to treat, and in fact, does remove or reduce such pollutants to the degree required by the POTW's NPDES permit.

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

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

(13) "Environmental Protection Agency," or "EPA." The U.S. Environmental Protection Agency.

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

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

(16) "Incompatible pollutant." All pollutants other than "compatible pollutants" as defined in subsection (7).

(17) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(18) "Industrial user." A commercial or industrial discharger of wastewater into the Town of Rogersville wastewater collection system that is required by the sewer use ordinance or other ordinance or regulation of the Town of Rogersville, the Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency to be issued an industrial user permit regulating their discharge to the WWTP. Such users may be customers of the Town of Rogersville or any other utility discharging into the WWTP. Such users may or may not be required to install sewerage pretreatment facilities but are subject to periodic monitoring and/or inspection. 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).

(19) "Interference." The inhibition or disruption of the POTW treatment processes or operations of which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(20) "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 industrial users.

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

(22) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal 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.

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

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

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

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

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

(28) "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, or biological processes, or process changes, or by other means, except as prohibited by 40 CFR section 403.6(d).

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

(30) "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 town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey

wastewaters to the POTW from persons outside the Town of Rogersville who are, by contract or agreement with the Town of Rogersville, users of the town's POTW.

(31) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

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

(33) "Significant industrial user." Any industrial user of the town's wastewater disposal system who

(a) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW; or

(c) Contributes five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(d) Is designated as such by the town on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(34) "Significant non-compliance." (a) Chronic violation of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed the daily maximum or the average limit for the same pollutant parameter;

(b) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six (6) month period equal or exceeding the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the town determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the general public;

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

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

(f) Failure to provide, within thirty (30) days after the 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 non-compliance;

(h) Any other violation or group of violations which the town determines will adversely affect the operation or implementation of the local pretreatment program.

(35) "Slug discharge." Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge.

(36) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum,

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(37) "State." State of Tennessee.

(38) "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.

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

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

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

(42) "Town." The Town of Rogersville, Tennessee.

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

(44) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several wastewater portions during a 24-hour period in

which the portions are proportional to the flow and combined to form a representative sample.

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

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

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

(48) "Wastewater contribution permit." As set forth in § 18-122 of this chapter. (Ord. #2-11-97-2, April 1997)

18-103. Abbreviations. The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical oxygen demand
- (2) CFR - Code of Federal Regulations
- (3) COD - Chemical oxygen demand
- (4) EPA - Environmental Protection Agency
- (5) l - Liter
- (6) mg - Milligrams
- (7) mg/l - Milligrams per liter
- (8) NPDES - National Pollutant Discharge Elimination System
- (9) POTW - Publicly-owned treatment works
- (10) SIC - Standard industrial classification
- (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (12) TSS - Total Suspended Solids.
- (13) USC - United States Code. (Ord. #2-11-97-2, April 1997)

18-104. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings of an explosion hazard meter, at the point of discharge into the system

(or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21, 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.

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

(3) Any wastewater having a pH less than 5.0 or higher than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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

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

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the Act; 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.

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

(8) Any wastewater causing discoloration of the POTW 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.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 60°C (140°F) or causes the influent to the wastewater treatment plant to exceed 40°C (104°F).

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

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

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

(13) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), 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 Tennessee Department of Environment and Conservation. Uncontaminated industrial cooling waters may be discharged on approval of the Tennessee Department of Environment and Conservation to a storm sewer or natural outlet.

(14) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

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

When the superintendent determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall:

(a) Advise the user(s) of the impact of the contribution on the POTW; and

(b) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW. (Ord. #2-11-97-2, April 1997)

18-105. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular

industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The affected user shall come into compliance with the limitations within three (3) years following promulgation of the standard. (Ord. #2-11-97-2, April 1997)

18-106. Modification of federal categorical pretreatment standards. Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7(c) (2) of Title 40 of the Code of Federal Regulations, part 403 -- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The town may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained. (Ord. #2-11-97-2, April 1997)

18-107. Specific pollutant limitations. No person or user shall discharge wastewater to the POTW which exceeds the following standards. Dilution of any wastewater discharge for the purpose of meeting these standards shall be considered in violation of this chapter.

<u>Pollutant</u>	<u>Daily Average Maximum Concentration (mg/l) (24-hour Composite)</u>	<u>Instantaneous Maximum Concentration (mg/l) (Grab Sample)</u>
Arsenic	0.150	0.300
Copper	0.500	1.000
Chromium, Total	0.480	0.960
Nickel	0.360	0.720
Cadmium	0.050	0.100
Lead	0.440	0.880
Mercury	0.015	0.030
Molybdenum	0.200	0.400
Selenium	0.200	0.400
Silver	0.300	0.600
Zinc	1.680	3.360

Cyanide	Not Applicable	2.320
Toluene	Not Applicable	1.000
Benzene	Not Applicable	0.200
1,1,1 Trichloroethane	Not Applicable	0.400
Ethylbenzene	Not Applicable	0.400
Carbon Tetrachloride	Not Applicable	1.000
Chloroform	Not Applicable	1.000
Tetrachloroethylene	Not Applicable	1.000
Trichloroethylene	Not Applicable	1.000
1,2 trans Dichloroethylene	Not Applicable	0.200
Methylene Chloride	Not Applicable	1.000
Phenols, Total	Not Applicable	1.600
Naphthalene	0.150	0.300
Phthalates, Total*	0.500	1.000
MBAS	14.000	20.000

*Total Phthalates are the sum of:

Bis (2-ethylhexy) phthalate

Butyl benzylphthalate

Di-n-butylphthalate

Diethyl phthalate

No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the maximum concentration limits as follows:

<u>Pollutant</u>	<u>Maximum Concentration (mg/l)¹</u>
Arsenic	0.008
Copper	0.120
Chromium, Total	0.130
Nickel	0.040
Cadmium	0.006
Lead	0.070
Mercury	0.001
Molybdenum	0.010
Selenium	0.010
Silver	0.025
Zinc	0.500

¹Samples shall be 24 hour composite except for cyanide, total phenols and volatile organics samples which shall be grab samples.

Cyanide	0.500
Toluene	0.200
Benzene	0.020
1,1,1 Trichloroethane	0.080
Ethylbenzene	0.030
Carbon Tetrachloride	0.030
Chloroform	0.300
Tetrachloroethylene	0.100
Trichloroethylene	0.100
1,2 trans Dichloroethylene	0.007
Methylene Chloride	0.100
Phenols, Total	0.030
Naphthalene	0.008
Phthalates, Total*	0.350
MBAS	10.000

*Total Phthalates are the sum of:

Bis (2-ethylhexy) phthalate

Butyl benzylphthalate

Di-n-butylphthalate

Diethyl phthalate

(Ord. #2-11-97-2, April 1997)

18-108. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. (Ord. #2-11-97-2, April 1997)

18-109. Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-101 of this chapter. (Ord. #2-11-97-2, April 1997)

18-110. Excessive discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state. (Ord. #2-11-97-2, April 1997)

18-111. Slug discharges. (1) Each industrial user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by the town before construction of the facility. All existing

users shall complete such a plan within one hundred eighty (180) days from the effective date of the ordinance comprising this chapter. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until slug discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of this incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Written notice. Within five (5) days following a slug discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the 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 chapter or other applicable law.

(3) 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 slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedures. (Ord. #2-11-97-2, April 1997)

18-112. Discharge of hazardous wastes. (1) All industrial users shall notify the town, the EPA Region IV Waste Management Division Director, and the Tennessee Department of Environment and Conservation Division of Solid Waste Management 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. The notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

(2) If the industrial user discharges more than one hundred (100) kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents discharged during that calendar month, and an estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

(3) Notification shall be provided within one hundred eighty (180) days of the discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

- (4) Industrial users are exempt from notification requirements if
- (a) The pollutants are already monitored and reported under the user's permit requirements; or
 - (b) Less than fifteen (15) kilograms of non-acute hazardous wastes are discharged within a calendar month.
- (5) If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within ninety (90) days of the effective date of such regulations.
- (6) If notification is required, the industrial 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. (Ord. #2-11-97-2, April 1997)

18-113. Charges and fees.¹ (1) Purpose. It is the purpose of this section to provide a schedule of charges and fees which will enable the town to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with the regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment system. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the town. These charges and fees shall be recovered through the user classification established hereinafter.

(2) Classification of users. All users shall be classified by the water superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and fees. The town may adopt charges and fees which may include, but are not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fee for use of garbage grinders;
- (g) Fees for holding tank wastes;

¹Rate schedules of charges and fees are available in the office of the recorder.

(h) Fees for reimbursement of administrative costs related to the pretreatment program;

(i) Fees for monitoring, inspection and surveillance procedures;

(j) Fees for reviewing accidental discharge prevention procedures and construction;

(k) Fees for allowing connection of building sewers to the POTW.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD ₅	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Total Dissolved Solids	3,000 milligrams per liter
Oil and grease	70 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH₃ as N, chlorine demand, and volume.

(5) User charges. The fair user charge fee schedule consists of a flat base charge based on an equitable distribution of the administrative costs of providing sewer service to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within two hundred (200) feet of a sanitary sewer owned by the town, plus an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW based on water usages as determined by water meters owned by the town. A surcharge will be levied against those users which discharge wastewater that exceeds the strength of "normal wastewater." The owner or occupant of property obtaining water from a source or sources other than through a meter of the town, which water is discharged into the POTW shall install, without cost to the town, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rate or rates as provided in this section. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not

discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the town's storm sewer system, the quantity of water so used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the town and installed by the owner or occupant without cost to the POTW. The current fair user charge fee schedule and the method used in calculating the fee schedule shall at all times be maintained on file by the superintendent for inspection by the public.

(6) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$C_u = \frac{C_t \times (V_u)}{V_t}$$

Where:

C_u = User's charge for O&M per unit of time.

C_t = Total O&M cost per unit of time.

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

V_u = Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(7) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(8) Biennial review of operation and maintenance charges. The town shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The town shall revise the charges for users or user classes to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. #2-11-97-2, April 1997)

18-114. Wastewater dischargers. It shall be unlawful to discharge without a NPDES permit to any natural outlet within the Town of Rogersville, or in any area under the jurisdiction of said town, any wastewater except as authorized by the water superintendent in accordance with the provisions of this chapter. It shall be unlawful to discharge without a Town of Rogersville permit any wastewater to the POTW except as authorized by the superintendent in accordance with the provisions of this chapter. (Ord. #2-11-97-2, April 1997)

18-115. Wastewater contribution permits. (1) General permits. All users proposing to discharge non-domestic waste to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. Any existing connected user discharging waste other than domestic waste shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

(2) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the superintendent an application in the form prescribed by the town. Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of the ordinance comprising this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-104 of this chapter, as determined by reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and peak wastewater flow rates including daily, monthly, and seasonable variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

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

The following conditions shall apply to this schedule:

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

(ii) No increment referred to in subsection (i) above shall exceed nine (9) months.

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

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

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

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

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

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

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the users, subject to such standards, shall apply for a permit modification to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit, as required by

subsection (2) of this section, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user, with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsection (2)(h) and (i) above.

(4) 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. Permits must contain the following:

- (a) Statement of duration (five [5] years or less);
- (b) Statement of non-transferability;
- (c) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (d) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (e) Limits on the average and maximum wastewater constituents and characteristics;
- (f) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (h) Compliance schedules;
- (i) Requirements for submission of technical reports or discharge reports (see § 18-116);
- (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;
- (k) Requirements for notification of the town or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (l) Requirements for notification of slug discharges; and
- (m) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(5) 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 re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in § 18-104 are modified or other just cause exists. 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.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. 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 approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. #2-11-97-2, April 1997)

18-116. Reporting requirements for permittee. (1) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the significant industrial user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer registered to practice engineering in the State of Tennessee.

(2) Periodic compliance reports. (a) An industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent, upon request, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard and the sewer use ordinance. In addition, this report may also be required to include a report of all daily flows which, during the reporting period, exceed the average daily flow reported in § 18-115(4)(c) of this chapter.

(b) The superintendent may impose mass limitations on users to meet applicable pretreatment standards or requirements, or in any other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. These reports shall be made

available to the approval authority upon request. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with the procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be approved by the administrator. (Ord. #2-11-97-2, April 1997)

18-117. Monitoring facilities. The town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town. (Ord. #2-11-97-2, April 1997)

18-118. Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or its representative as well as representatives of the State of Tennessee and the Environmental Protection Agency (EPA) ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The town, state and/or EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. #2-11-97-2, April 1997)

18-119. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance

with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans, prepared by a professional engineer registered to practice engineering in the State of Tennessee, showing the pretreatment facilities and operating procedures, shall be submitted to the superintendent for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes to the pretreatment facilities shall be reported to and be acceptable to the town prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (Ord. #2-11-97-2, April 1997)

18-120. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall be made available upon written request to governmental agencies for uses related to this chapter and the national pollutant discharge elimination system (NPDES) permit; provided, however, that such portions of a report shall be available for use by the state and 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 town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a thirty (30) day notification is given to the user. (Ord. #2-11-97-2, April 1997)

18-121. Private sewage disposal. Where any residence, office, recreational facility or other establishments used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility, or other establishment used for human occupancy, where the building drain is below the elevation to obtain a one (1) percent grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private sewage pumping station as provided in § 18-124(3).

(1) Non-availability certificate. A private sewage disposal system may not be constructed within the town limit unless and until a certificate is obtained from the superintendent stating that the POTW is not accessible to the property and no such POTW is proposed for construction in the immediate future. If the property is within reasonable distance of the POTW, connection to the POTW is required. The superintendent shall determine the reasonable distance of the POTW, connection to the POTW is required. The superintendent shall determine the reasonable distance to the POTW but in no case shall the reasonable distance be less than five hundred (500) feet for gravity flow or less than three hundred (300) feet for a private sewage force main. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Town of Rogersville and the Hawkins County Health Department.

(2) Requirements. Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Hawkins County Health Department and the Town of Rogersville, Tennessee, and must be inspected and approved by the authorized representative of the Hawkins County Health Department and by the superintendent. 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 the POTW becomes available, the building sewer shall be connected to such POTW within sixty (60) days of the date of availability, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Hawkins County Health Department. (Ord. #2-11-97-2, April 1997)

18-122. Regulation of holding tank waste disposal. (1) Septic tanks. No person owning vacuum or "septic tank" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent. All applicants for a truck discharge operation permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the superintendent. Such permits shall be valid for a period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the superintendent for violation of any provision of this section or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for

each separate discharge. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees thereof, and shall comply with the conditions of the permit issued by the superintendent and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(3) Fees. For each permit issued under the provisions of this chapter, an annual service charge shall be paid to the town to be set as specified in § 18-113. 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 non-transferable. 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. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified in § 18-113.

(4) Designated disposal location(s). The superintendent shall designate approved location(s) 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 absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(5) Revocation of permit. Failure to comply with all the provisions of 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 Rogersville. (Ord. #2-11-97-2, April 1997)

18-123. Wastewater pretreatment devices for commercial or industrial users. (1) Requirement for devices. Grease, oil, sand trap collectors or separators shall be installed and maintained when they are necessary for the proper handling of harmful substances. Such separators shall be of a type and capacity approved by the Town of Rogersville and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

Commercial sources in operation prior to July 1, 1996 are excluded from the minimum requirements of this chapter, but will be required to install and

maintain a gravity-type separator, interceptor or other such device on the kitchen sink for the removal of oil and grease. These devices shall be the largest type available that will fit under the sink and shall not be connected to any dishwashers. These devices will be allowed to remain in service until such time the Town of Rogersville determines the device is not preventing regulated substances from entering the town's sewer system or the device is not being adequately maintained. Upon this determination, the town will require the establishment to install the minimum size device as outlined under subsection (3) of this section.

It shall be the duty of every establishment required to have such devices, to maintain the device and to have same pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, or when it appears to the town or its representative that said grease, oil, or other substances are leaving the aforementioned device and are being introduced into the town's sewer system.

New commercial or industrial dischargers of wastewater into the Town of Rogersville wastewater collection system are required by this chapter to install and maintain a gravity-type separator, interceptor, or other such device for the removal of oil, grease, sand, grit, entrails, or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the sanitary sewer system or the wastewater treatment plant (WWTP) unless such establishments are specifically excluded from this requirement.

New or existing commercial establishments which are generally not required to install pretreatment devices unless specifically required include, but are not limited to:

- (a) Commercial establishments which are not involved in food processing, preparation, packaging, or handling; or
- (b) Commercial establishments with food preparation, but no deep fryer, or grill.

Although these establishments are initially excluded from the pretreatment device requirement, if it is determined that these businesses are causing sewer line stoppages due to grease or other problems, then pretreatment devices will be required.

If a new or existing commercial establishment plans to add a deep fryer or a grill, that establishment must notify the town prior to installation and submit plans as specified in subsection (3) of this section.

Every establishment with a separation device is required to maintain a maintenance log on all such devices. The log will show the date of all cleanings and who performed the cleaning. Disposition of removed substances is to be recorded. The maintenance log will be provided by the town and shall be available for examination by the town or its representative at any time and shall be submitted annually to the town between May 1 through the 31 each year. Failure to carry out this reporting procedure is a violation of this chapter and

the town may institute enforcement action under § 18-125 and penalties under § 18-126 of this chapter.

(2) Inspection. Each commercial or industrial user required to own and maintain such pretreatment devices will be inspected at least once each year. Maintenance records shall be kept and shall be available for review by the town's personnel during inspections.

Town of Rogersville personnel shall be permitted ready access to inspect devices for compliance. If found in violation, the user will be issued a seven (7) day notice to come into compliance. Failure to correct the noncompliance within the seven (7) day period will result in the termination of water service under § 18-125--Enforcement of this chapter. If the severing of water service will possibly result in a threat to public health, then the grease trap will be pumped and cleaned by Town of Rogersville personnel. The user will be responsible for all labor, equipment, and disposal charges incurred by the town. These charges will be added to the user's utility bill.

(3) Submittals and design. Prior to installation of new gravity-type separators, grease traps, screens, or other pretreatment devices, plans and design calculations shall be submitted to Town of Rogersville personnel for review and approval. No specifications for pretreatment devices are detailed in these regulations except for grease traps and grit separators. Grease trap specifications are outlined on Drawing Number GR-1 at the end of this chapter and in this subsection of this section. Grit separator specifications for car wash operations are outlined on drawing No. GR-2 at the end of this chapter and in this subsection. Town of Rogersville personnel will evaluate separately the materials and criteria proposed for use in the design of other pretreatment devices.

All grease traps are to meet design criteria as outlined in this section. Person(s) wishing to install pre-cast concrete septic tanks or concrete tanks must submit to the town a design drawing. A field inspection shall be required to ensure that the installation complies with the approved drawings and that adequate baffling has been installed in the device.

During the site plan review conducted by Town of Rogersville personnel of proposed commercial and industrial developments, the need for a grease trap or other pretreatment devices will be determined. If a grease trap or other pretreatment device is required, then detailed plumbing plans shall be submitted to the town prior to commencement of construction.

Grease trap sizes will be determined by the following formula:

Grease Trap Size (gallons) =

F.U. x 0.5 x 5 gpm x 20 minutes

Where F. U. = fixture units plumbed into the grease trap
(fixture unit values as listed in the Southern Building Code)

gpm = gallons/minute

(4) Private waste disposal. Acceptable disposal options for the wastes removed from these devices includes recycling collectors, trash disposal, or commercial collectors. These options are contingent on the regulations of landfills where the waste is disposed.

(5) Fees. Users required to install and maintain a gravity-type separator, interceptor, or other such device will be subject to an annual fee. These fees are outlined in § 18-113, as passed and amended from time to time by the Board of Mayor and Aldermen of the Town of Rogersville. All fees will appear on the user's utility bill. In the event the user chooses not to pay said fees, water service will be terminated until such time fees and any other late charges have been paid.

Any person(s) including, but not limited to, commercial users who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine as outlined in § 18-126 of this chapter. (Ord. #2-11-97-2, April 1997)

18-124. Building sewers and connections. (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any POTW or appurtenances thereof without first obtaining a written building sewer permit from the water superintendent.

Any residential and commercial user discharging only domestic wastes shall make application for a building sewer permit furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the water superintendent.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the POTW shall be made only by the Town of Rogersville or its duly authorized agent. The sewer connection and all building sewers, from the building to the POTW, shall be inspected by the water superintendent before the underground portion is covered.

A separate and independent building sewer shall be provided for every building; except where a 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.

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

Building sewers shall be at least four (4) inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four (4) inch building sewers shall be laid on a grade of at least one (1) percent. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two (2) feet per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformation with the appropriate ASTM specification of the WEF Manual of Practice, No. 9.

Building sewers shall be constructed only of:

- (a) Concrete or clay sewer pipe using rubber compression joints of approved type;
- (b) Cast-iron soil pipe using rubber compression joints of approved type;
- (c) Polyvinyl-chloride pipe with rubber compression joints;
- (d) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (e) Such other materials of equal or superior quality as may be approved by the water superintendent.

Under no circumstances will cement mortar joints be acceptable. Each connection to the POTW must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the water superintendent attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

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

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

The connection of the building sewer into the POTW shall conform to the rules and regulations the town may establish and the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice, No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the water superintendent before installation.

The applicant for the building sewer permit shall notify the water superintendent when the building sewer is ready for inspection and connection

to the POTW. The connection shall be made under the supervision of the water superintendent or his representative.

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.

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 shall include repair or replacement of the service line as deemed necessary by the water superintendent to meet specifications of the town. (Ord. #2-11-97-2, April 1997)

18-125. Enforcement. (1) Harmful contributions. The town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference or pass-through at the POTW, or causes the town to violate any condition of its NPDES permit.

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

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

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

(3) Notification of violation. Whenever the town finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction

thereof shall be submitted to the town by the user. Submission of this plan in no way relieves the user of liability for any violation occurring before or after this notice of violation is issued.

(4) Administrative orders. If the user fails to correct a violation within thirty (30) days of receiving notice of violation, the control authority shall issue the administrative order for the correction of this violation; provided however, that the user is not relieved of responsibility for unauthorized discharges which occur within the thirty (30) day interval.

(5) Cease and desist order. When the town finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the town may issue an order to cease and desist, and direct the user to comply forthwith within a specified time schedule, or to take appropriate remedial or preventative action in the event of a threatened violation.

(6) Fines and penalties. Any user who violates or fails to comply with any of the provisions of the this chapter and/or industrial user discharge permit issued by the town shall be liable for an administrative fine of not more than one thousand dollars (\$1,000.00) per day as authorized by Tennessee Code Annotated, § 69-3-115 for each violation. The town shall have the power to impose such fines and penalties.

(7) Show cause hearing. (a) The town may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this chapter or wastewater permit to show cause before the town why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town of Rogersville to:

(i) Issue in the name of the board of mayor and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board of mayor and aldermen for action thereon.

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

(8) Unacceptable wastes. Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD₅ in excess of three hundred (300) milligrams per liter, a COD in excess of six hundred (600) milligrams per liter, a total kjeldahl nitrogen content in excess of sixty (60) milligrams per liter, an ammonia nitrogen content in excess of thirty (30) milligrams per liter, a suspended solids content in excess of three hundred (300) milligrams per liter, a total dissolved solids content in excess of three thousand (3,000) milligrams per liter, or an ether soluble matter (oil and grease) content in excess of seventy (70) milligrams per liter, or any constituent found in violation of those specific pollutant limitations shown in § 18-107 of this chapter, shall be subject to a surcharge based on the actual considerations as compared to normal sanitary sewage, such surcharge being necessary to compensate the town for the extra cost of treating such wastes.

(9) Surcharge determination procedure. The surcharge(s) shall be based on the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole. Samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the town in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(10) Surcharge rates. The surcharge on excessive BOD₅, COD, TKN, NH₃-N, suspended solids, oil and grease, or any constituent found in § 18-107 of this chapter shall be determined by the following formula:

$$\text{Surcharge Factor} = \frac{\text{Actual Constituent Concentration}}{\text{Constituent Concentration for "Normal Sewage" (see § 18-107)}} - 1$$

The "surcharge factor" shall be multiple by the monthly charge for sewer service to obtain the surcharge for that particular month.

The town may adjust or vary the various rates and/or formulas at its discretion.

(11) Legal action. If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system, in any other way violates this chapter or its industrial wastewater discharge permit, contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for

appropriate legal and/or equitable relief in any court of competent jurisdiction. (Ord. #2-11-97-2, April 1997)

18-126. Penalty and costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than one thousand dollars (\$1,000.00) as authorized by Tennessee Code Annotated, § 69-3-115 for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

(2) Criminal penalties. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, or commits an act in violation of the law with criminal intent shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both as authorized by Tennessee Code Annotated, § 69-3-115(c). (Ord. #2-11-97-2, April 1997)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-113. Pollution of sanitary sewer system.
- 18-214. Enforcement of chapter.
- 18-215. Carnivals, circuses, etc.
- 18-216. Sewage haulers.
- 18-217. Violations.

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

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;
- (3) "Human excreta." The bowel and kidney discharges of human beings;
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and

¹Municipal code reference
Plumbing code: title 12, chapter 2.

Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1986 Code, § 8-301)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1986 Code, § 8-302)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1986 Code, § 8-303)

18-204. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1986 Code, § 8-304)

18-205. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1986 Code, § 8-305)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1986 Code, § 8-306)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1986 Code, § 8-307)

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-202, or the agent of the owner to provide such facilities. (1986 Code, § 8-308)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1986 Code, § 8-309)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1986 Code, § 8-310)

18-211. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1986 Code, § 8-311)

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this

purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1986 Code, § 8-312)

18-213. Pollution of sanitary sewer system. It shall be unlawful for any owner or lessee to cause, allow, or permit any drain water to flow or drain into the sanitary sewer system. (1986 Code, § 8-313)

18-214. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1986 Code, § 8-314)

18-215. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1986 Code, § 8-315)

18-216. Sewage haulers. No sewage from septic tanks shall be dumped at any place within the limits of the Town of Rogersville, or in any of the sewage lines of the town except as provided in this section. All haulers of septic tank sewage must have a permit from the water department. After receiving a permit, the hauler shall comply as to time and place of dumpage with directions of the water commission. Haulers or individuals shall pay a fee of one dollar (\$1.00) per truck load, or part of a load, when sewage is deposited in the sewage system. (1986 Code, § 8-316)

18-217. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1986 Code, § 8-317)

CHAPTER 3

USER CHARGE SYSTEM

SECTION

18-301. General provisions.

18-302. Charge structure.

18-303. Rates.

18-301. General provisions. (1) Actual use. The user charge system (UCS) shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(2) Notifications. Each user shall be notified annually in conjunction with their regular bill of the rate being charged for wastewater treatment services.

(3) Financial management system. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the bases for determining the annual operating expenses, interest expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(4) Charges for inflow and/or infiltration. The UCS shall provide that the cost of operation and maintenance for all flow not directly attributable to users be distributed among all users in the same manner that it distributes the costs of the actual or estimated usage.

(5) Use of revenue. Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related-by-products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(6) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(7) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts between the town and users which are inconsistent with the requirements of this chapter. (Ord. #6-11-91-1, Aug. 1991)

18-302. Charge structure. (1) Classification of users. Class 1: Those users whose average biochemical oxygen demand (BOD) is three hundred fifty (350) milligrams per liter by weight or less, and whose suspended solids (SS) discharge is three hundred fifty (350) milligrams per liter by weight or less. (C1)

(2) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the service supplied by the wastewater system. These charges shall be based upon the cost categories described as operation, maintenance, and replacement (OMR); interest (I); and, principal repayments or depreciation, whichever is greater (P).

(a) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined by the following formula: $C1 = OMR + I + P / \text{Total gallons treated}$.

(b) All users who fall within Class 2 classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand (BOD) and suspended solids (SS) in direct proportion to the actual discharge quantities.

$C2 = C1$ plus the following formula for excessive strength:

$$(A (D-350) + B (E-350) \times .00834 \times G = \text{Surcharge Payment (\$/Mo.)}$$

The components of the formula are as follows:

- A = Surcharge rate for BOD, in \$/pound.
- B = Surcharge rate of SS, \$/pound.
- C = Surcharge rate for other pollutant(s) in \$/pound.
- D = User's average BOD concentration, in mg/l.
- E = User's average SS concentration, in mg/l.
- F = User's average other pollutants concentration, in mg/l.
- G = User's monthly flow to sewage works, per 1,000 gallons.

No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 350 mg/l of BOD of 350 mg/l.

(c) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted by the Rogersville Water Commission if a user does not discharge it to the public sewers (i.e. filling swimming pools or industrial heating). The user shall be responsible for documenting the quantity of wastewater actually discharged to the public sewer. (Ord. #6-11-91-1, Aug. 1991)

18-303. Rates.¹ The Rogersville Water Commission will review the user charges annually along with the budget process and revise the rates as necessary to ensure that adequate revenues are generated to pay OMR, I, and P. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes. (Ord. #6-11-91-1, Aug. 1991)

¹Municipal code reference
Sewer charges and fees: § 18-113.

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Existing and future dwellings--meter requirements.
- 18-404. Water and sewer rate structure.
- 18-405. Construction, operation, and supervision.
- 18-406. Statement required.
- 18-407. Inspections required.
- 18-408. Right of entry for inspections.
- 18-409. Correction of existing violations.
- 18-410. Use of protective devices.
- 18-411. Unpotable water to be labeled.
- 18-412. Violations.

18-401. 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 arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination for the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(4) "Dwelling." A dwelling unit shall be defined as any apartment, house, mobile home or any other individually self-contained dwelling area wherein one or more persons may maintain a residence. This definition encompasses, among other things, apartment complexes and mobile home complexes or parks.

¹Municipal code references

Plumbing code: title 12.

Sewers: title 18, chapter 1.

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

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

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

(7) "Public water supply." The waterworks system furnishing water to the Town of Rogersville for the general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #2-11-86-2, April 1986, as amended by Ord. #5-13-86-1, Oct. 1986)

18-402. Standards. The Rogersville 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. #2-11-86-2, April 1986)

18-403. Existing and future dwellings–meter requirements.

(1) Every dwelling unit within the corporate limits of the Town of Rogersville, or to which the town delivers water outside its corporate limits, which dwelling unit shall be constructed from and after the passage of the ordinance comprising this section, shall be required to do the following:

(a) Each dwelling unit shall be required to have a water meter and shall be required to pay any and all regular installation and tap fees as well as water rates as may be set and established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen; or

(b) Each dwelling unit which shall be constructed from and after the passage of the ordinance comprising this section shall be required to pay the minimum water user rate as established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen. The applicant for water service to the dwelling unit shall be required to pay the tap and installation fees as required in the event an individual meter was installed for said dwelling unit, prior to the delivery of water service to said unit. Monthly billing statements issued by the office of the Water Commission of the Town of Rogersville to customers shall be issued to the applicant for water service on file with the office of the water commission, which person or persons shall be liable for payment of said minimum water user rate.

In the event the actual water consumed during a billing cycle by the total number of dwelling units in a multi-dwelling unit location is in

excess of the amount of water calculated by multiplying the total number of dwelling units by the number of gallons used to calculate the minimum water user rate, then the applicant on file with the office of the water commission shall be responsible for payment of the excess water used during said billing cycle.

(2) Every dwelling unit now in existence within the corporate limits of the Town of Rogersville, or to which the town delivers water outside its corporate limits, and which does not presently have a water meter for the purpose of determining the volume of water delivered to said mobile home, house or other dwelling unit, shall be required to pay the minimum water user rate as established from time to time by the Town of Rogersville Water Commission and/or the board of mayor and aldermen. Monthly billing statements issued by the Office of the Water Commission of the Town of Rogersville to customers shall be issued to the applicant for water service on file with the office of the water commission which person or persons shall be liable for payment of said monthly billing statement. (Ord. #5-13-86-1, Oct. 1986, as amended by Ord. #2-14-89-2, April 1989)

18-404. Water and sewer rate structure. The water and sewer rate structure for the Town of Rogersville is:

	<u>Inside City</u>	<u>Water</u>	<u>Sewer</u>
Minimum	1,000 gal	9.45	3.34
Next	4,000 gal	4.39	2.07
Next	5,000 gal	3.82	2.07
Next	10,000 gal	3.44	2.07
Next	20,000 gal	2.88	2.07
	<u>Outside City</u>		
Minimum	1,000 gal	13.50	5.07
Next	4,000 gal	6.14	2.43
Next	5,000 gal	5.31	2.43
Next	10,000 gal	4.74	2.43
Next	20,000 gal	3.89	2.43
	<u>Utility Districts</u>		
Per 1,000 gal		3.89	

Deposits formerly required by the commission prior to receipt of utility services shall be replaced with a one time connection fee of fifty dollars (\$50.00). (Ord. #05-14-02-2, June 2002)

18-405. 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 Superintendent of the Water Commission of the Rogersville Public Water System. (Ord. #2-11-86-2, April 1986)

18-406. 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 superintendent of the water commission 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. #2-11-86-2, April 1986)

18-407. Inspections required. It shall be the duty of the Superintendent of the Water Commission of the Rogersville Public Water System 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 Superintendent of the Water Commission of the Rogersville Public Water System and as approved by the Tennessee Department of Environment and Conservation. (Ord. #2-11-86-2, April 1986)

18-408. Right of entry for inspections. The superintendent of the water commission or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Rogersville Public Water System 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 to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #2-11-86-2, April 1986)

18-409. 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 the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Water Commission of the Rogersville Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within a reasonable time and within the time limits set by the Rogersville Public Water System, 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 constitutes 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 system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #2-11-86-2, April 1986)

18-410. 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 Superintendent of the Water Commission of the Rogersville Public Water System 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 device shall be a 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 Superintendent of the Water Commission of the Rogersville Public Water System 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 Rogersville Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water commission or his designated

representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

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

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 Rogersville Public Water System. (Ord. #2-11-86-2, April 1986)

18-411. Unpotable water to be labeled. That the potable water system made available to the premises served by the public water system 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-inch high located on a red background. (Ord. #2-11-86-2, April 1986)

18-412. Violations. The requirements contained herein shall apply to all premises served by the Rogersville Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the 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 Rogersville 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 not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #2-11-86-2, April 1986)

CHAPTER 5

WATER SHORTAGE ORDINANCE

SECTION

- 18-501. Purpose.
- 18-502. Definitions.
- 18-503. Water use classification system.
- 18-504. Management phases.
- 18-505. Water management advisory group (WMAG).
- 18-506. Shortage water rates (stand-by rates).
- 18-507. Rationing.
- 18-508. Fines and penalties.
- 18-509. Monitoring and enforcement.
- 18-510. Variances.
- 18-511. Activation and deactivation of management phases.

18-501. Purpose. To achieve the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner, the Town of Rogersville adopts the following regulations and restrictions on the delivery and consumption of water.

This chapter is hereby declared necessary for the preservation of public health, safety, and welfare and shall take effect upon its adoption by the Town of Rogersville.

Whenever, in the judgment of the governing body of the Town of Rogersville comes necessary to conserve water in the service area, due to drought, the Town of Rogersville is authorized to issue a declaration that existing conditions prevent fulfillment of the usual water-use demands. The declaration is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs become endangered.

Immediately upon the issuance of such a declaration, regulations and restrictions set forth under this ordinance shall become effective and remain in effect until the water shortage is terminated and the declaration rescinded.

Water uses, regulated or prohibited under this ordinance are considered to be non-essential and continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties (see § 18-508).

The provisions of this ordinance shall apply to customers of the Town of Rogersville. (Ord. #8-9-88-2, Oct. 1988)

18-502. Definitions. For the purpose of this ordinance, the following definitions shall apply:

- (1) "Conservation." Reduction in water use to prevent depletion or waste of the resource.

(2) "Customer." Any person, company, or organization using water supplied by the Town of Rogersville.

(3) "Domestic water use." Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, including employees' use in business, industry, or institution.

(4) "Even numbered address." Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A-M; and locations without addresses.

(5) "Institutional water uses." Water used by government, public and private educational institutions, public medians and rights of way, churches, and places of worship, water utilities, and other lands, buildings, and organizations.

(6) "Landscape water use." Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

(7) "Management phases." (a) "Conservation." A conservation phase exists when water supply is below normal and has been verified by best available information.

(b) "Restrictions." A restrictions phase exists when water supply continues to decline and has been verified by best available information.

(c) "Emergency." An emergency phase exists when water supply cannot meet the needs of the system and has been verified by best available information.

(8) "Odd numbered address." Street addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9, or letters N-Z.

(9) "Water management advisory group." A committee composed of local representatives, created for the purpose of coordinating responses to water shortages.

(10) "Water shortage." Lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, water levels in wells which cause water supplies to be less than usual, major water line breaks, chemical spills, etc. resulting in reduced water supplies. (Ord. #8-9-88-2, Oct. 1988)

18-503. Water use classification system. (1) First class essential water uses. (a) Domestic use. sustain human and domestic animal life, maintain minimum standards of hygiene and sanitation;

(b) Health care facilities;

(c) Public uses. Fire fighting, health and public protection.

(2) Second class essential water uses. (a) Domestic uses not included in first class.

(b) Agricultural watering. Minimum usage; industrial use; commercial and public use (schools, churches, laundromats, restaurants, offices); office and industrial air conditioning.

(3) Third class essential water uses. Schools and other institutions: showering facilities; filling and operation of swimming pools; residential pools serving more than twenty five (25) dwelling units, municipal pools, and pools used by health care facilities; commercial car and truck washes.

(4) Non-essential water uses. Ornamental purposes: outdoor non-commercial uses; filling and operation of swimming pools; washing motor vehicles not included in third class essential water uses; serving water in restaurants, clubs, etc. (except request of customer); fire hydrants (except fire and health protection); flushing of sewers and hydrants; air conditioning. (Ord. #8-9-88-2, Oct. 1988)

18-504. Management phases. Three levels of water management are established: "conservative," "restrictions," and "emergency." Declarations issued by the Town of Rogersville shall specify the water management phase in effect and undertake the appropriate water management activities.

(1) Drought alert provisions and implementation. When a local, regional or statewide "drought alert" is issued by the Tennessee Office of Water Management, the Town of Rogersville will begin, if not already underway, regular monitoring of supply and demand conditions applicable to the Town of Rogersville. Users of the system will be alerted to the activation possibility of the water shortage management plan. Notice will be made to a newspaper of general circulation within the affected community or area. In addition, the Town of Rogersville will encourage water users to assess their use of water.

(2) Conservation phase provisions. If conditions indicate that a moderate water shortage condition is present and is expected to persist, the Town of Rogersville shall activate those requirements outlined in this section to reduce water use.

(a) Goal. (i) An overall use reduction of fifteen (15) percent. Voluntary water use reductions would be requested for essential, economic, and social uses.

(ii) Non-essential water uses would be banned.

(b) General response. Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that conservation phase measures are necessary and shall include the list of non-essential water uses.

(c) Restrictions applying to non-essential uses. Mandatory cutbacks or bans.

(3) Restrictions phase provisions. If conditions indicate that a severe water shortage condition is present and is expected to persist, the Town of Rogersville shall activate those requirements outlined in this section to curtail water uses.

(a) Goal. An overall water use reduction of thirty (30) percent. Voluntary water use reductions would be requested for essential uses. Non-essential water uses would be banned, resulting in a one hundred (100) percent overall class reduction. Curtailments in second and third

class essential water uses would be required resulting in a seventeen (17) percent combined class reduction.

(b) General response. (i) Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that a restrictions phase is in effect and shall include the list of banned uses, and the list of restricted water uses.

(ii) Require customers of the Town of Rogersville to comply with the listed water-use bans and restrictions in all categories while severe drought conditions exist.

(c) Restrictions applying to second and third class essential water uses.

(i) Second class. Mandatory or voluntary cutbacks.

(ii) Third class. Mandatory bans.

(4) Emergency phase provisions. If conditions indicate that an extreme water shortage condition is present the Town of Rogersville shall activate the provisions outlined in this section to curtail water use.

Water-use restrictions imposed during extreme water shortage conditions are mandatory.

(a) Goal. (i) An overall water use reduction of sixty (60) percent; only first class essential water uses would be allowed.

(ii) All other water uses would be prohibited.

(b) General responses. (i) Issue a declaration of water shortage in a newspaper of general circulation within the affected community and region. This statement shall specify that an emergency phase is in effect. It shall include the list of banned water uses.

(ii) Require customers of the Town of Rogersville to comply with the listed water-use restriction in all categories while extreme water shortage conditions exist.

(c) Restrictions applying to second and third class essential water uses, mandatory cutbacks and mandatory bans. (Ord. #8-9-88-2, Oct. 1988)

18-505. Water management advisory group (WMAG). (1) The water management advisory group shall consist of five (5) members. One (1) member shall be the superintendent of the Rogersville Water Commission and one (1) member shall be a Rogersville Water Commissioner. Two (2) members shall be Aldermen of the Town of Rogersville. All members shall be appointed by the mayor and shall serve at the pleasure of the mayor or until their terms of office have expired, whichever occurs first.

(2) The water management advisory group shall evaluate water supply conditions to determine if conditions satisfy water shortage management triggering points as identified in the local drought management plan. The advisory group shall consider.

- (a) The effectiveness of the local water shortage ordinance and plan in protecting and insuring adequate water supplies.
 - (b) Water supply conditions (existing and forecasted), and
 - (c) Other relevant information.
- (3) The water management advisory group shall consult with and invite participation by the general public affected, as well as with interest group representatives. (Ord. #8-9-88-2, Oct. 1988)

18-506. Shortage water rates (stand-by rates). (1) Upon the declaration of a water shortage, the Town of Rogersville shall utilize shortage water rates to water conservation of water supplies. Such rates may provide for, but not be limited to:

- (a) Higher charges per unit for increasing usage (increasing block rates);
- (b) Uniform charges for water usage per unit of use (uniform unit rate);
- (c) Extra charges for use in excess of a specified level (excess demand surcharge); or
- (d) Discounts for conserving water beyond specified levels. (This ordinance includes an example of an "excess use or "surcharge" structure.)

(2) In the event of a water shortage and activation of the "restrictions" phase, the Town of Rogersville is hereby authorized to monitor water use and limit households to seventy (70) gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons. The Town of Rogersville is hereby authorized to monitor water use and limit households to forty (40) gallons per household member per day under an "emergency" phase. Domestic water use above this limit will be subject to a surcharge of fifty dollars (\$50.00) per one thousand (1,000) gallons. Institutional, commercial, industrial, and recreational water users will be subject to water use surcharges of one hundred dollars (\$100.00) per one thousand (1,000) gallons of water used if the Town of Rogersville deems that adequate conservation measures have not been implemented. (Ord. #8-9-88-2, Oct. 1988)

18-507. Rationing. In the event of a declared drought the Town of Rogersville issues a declaration of water shortage specifying either a restrictions phase or emergency phase the Town of Rogersville is hereby authorized to ration water in accordance with the following conditions:

- (1) Residential water customers and allotments. (a) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
- (b) Each dwelling unit (household) shall be allotted seventy (70) gallons per day for each resident of the household under "restrictions" and forty (40) gallons per day for each resident of the household under

"emergency" conditions. Households with only one permanent resident will have a daily allotment of fifty-five (55) gallons per day under "emergency" conditions.

(c) Residential water customers are required to provide city utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to fifty-five (55) gallons per day.

(d) (i) Where the residential water allotment provided under this section would create an "extraordinary hardship," as in the case of special health-related requirements, the water customer may apply to the water system for an exemption or variance from these requirements. If it is found that the allotment provided in this section would impose an extraordinary hardship, a revised allotment for the particular customer may be established.

(ii) Any person aggrieved by a decision relating to such an exemption or variance rendered by the municipality rendering water service, may file a complaint with the water management advisory group. The complaint must be filed in writing in the office of the city recorder. The WMAG shall render its opinion within seven (7) days of the receipt of such written complaint by the city recorder. The aggrieved person may request a hearing before the WMAG. If such request is made in writing, the hearing shall be held within seven (7) days of the date of the request, and the opinion of the WMAG shall be rendered within three (3) days of such hearing.

(2) Non-residential water customers and allotments. Non-residential customers include commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

Non-residential water customers shall further reduce their water usage to fifty (50) percent of use levels of April 19, 1988.

It is the primary responsibility of each non-residential water customer to meet its mandated water use reduction goal in whatever manner possible.

The Town of Rogersville will establish a water allotment for each non-residential water customer, based upon a required further reduction of water usage from the rate of water used by the customer in effect on April 1988, or the last recorded use level if no meter readings record the rate of the customer's use on April 1988.

Each non-residential water user shall provide access to water system personnel for purposes of meter reading and monitoring of compliance with this ordinance. All reasonable efforts will be made to contact customers to arrange for access.

If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the non-residential customer may apply to the water system for a variance. For these purposes "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted and a revised water use reduction requirement for the particular customer may be established.

(3) Water use rationing for hospitals and health care facilities. Hospitals and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients or residents of the institution.

Each hospital or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage. (Ord. #8-9-88-2, Oct. 1988)

18-508. Fines and penalties. Except as otherwise stated herein, violators of any provision of this ordinance shall be penalized. The penalty for a person's first offense shall be twenty-five dollars (\$25.00). The penalty for a person's second offense shall be fifty dollars (\$50.00). Persons violating this ordinance a third or more times within the same drought period will have water service disconnected for a period of five (5) days with a three hundred dollar (\$300.00) reconnection fee.

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge. (Ord. #8-9-88-2, Oct. 1988)

18-509. Monitoring and enforcement. Law officers of the Town of Rogersville police force shall, in addition to duties imposed by law, diligently enforce the provisions of this ordinance.

Employees of the Town of Rogersville, Water Commission, Police Department, and Fire Department have the duty, and are hereby authorized to enforce the provisions of this ordinance and shall have the power and authority to issue citations when violations of this ordinance occur during any declared drought. (Ord. #8-9-88-2, Oct. 1988)

18-510. Variances. (1) Customers not capable of reducing water use immediately, because of equipment damage or other extreme circumstances, shall reduce water use within twenty-four (24) hours of a declaration of a water shortage, where provisions of this ordinance apply to them and shall apply for a variance from curtailment.

(2) Customers requesting exemption from the provisions of this ordinance shall file a petition for variance with the WMAG within three (3) days after such curtailment becomes effective.

(3) When the ordinance has been invoked by the WMAG, all petitions for variances shall be reviewed by the WMAG. When the ordinance has been invoked by the WMAG, persons using less than twenty five thousand (25,000) gallons of water per day shall file a petition for variance with the WMAG, and persons using in excess of twenty-five thousand (25,000) gallons of water per day shall file a petition for variance with the WMAG within three (3) days of the effective date of water use curtailment or reduction. The WMAG shall respond to requests for variance within five (5) days of receipt of information or within twenty (20) days of declarations of the curtailment, whichever comes first. Petitions shall contain the following:

- (a) Name and address of the petitioner(s);
- (b) Purpose of water use;
- (c) Specific provisions from which the petitioner is requesting relief;
- (d) Detailed statement as to how the declaration adversely affects the petitioner;
- (e) Description of the relief desired;
- (f) Period of time for which the variance is sought;
- (g) Economic value of the water use;
- (h) Damage or harm to the petitioner or others if petitioner complies with ordinance;
- (i) Restrictions with which the petitioner is expected to comply and the compliance date;
- (j) Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance;
- (k) Other pertinent information.

(4) In order for a variance to be granted, petitioner must show one or more of the following conditions:

- (a) Compliance with the ordinance cannot be technically accomplished during the duration of the water shortage.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (c) An extraordinary hardship can be shown.

(5) The Town of Rogersville may, in writing, grant temporary variances for existing water uses otherwise prohibited under the ordinance if it is a condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The governing body of the Town of Rogersville shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the governing body of the Town of Rogersville.

(6) No variance shall be retroactive or otherwise justify any violation of this ordinance occurring prior to the issuance of the variance.

(7) Variances granted by WMAG shall be subject to the following conditions, unless waived or modified by WMAG.

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the water shortage no longer exists. (Ord. #8-9-88-2, Oct. 1988)

18-511. Activation and deactivation of management phases.

(1) Declaration of a drought. Whenever the Town of Rogersville finds that a potential shortage of water supply is indicated, it shall be empowered to declare a drought exists, and that the water superintendent shall, daily, monitor the supply and demands upon that supply. In addition, the mayor (or his/her agent) is authorized to specify the management phase in effect and the measures to be employed by the system's customers. This declaration shall be published in an official city newspaper, and may be publicized through the general news media or any other appropriate method for making such resolutions public.

(2) Termination of drought phases. Whenever the Town of Rogersville finds that water supplies have returned to normal, it shall be empowered to replace or declare as ended by resolution any phase enacted. Such declaration shall follow the same guidelines used for declaring a drought. (Ord. #8-9-88-2, Oct. 1988)