

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

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CHAPTER 1**WATER AND SEWER SYSTEM ADMINISTRATION****SECTION**

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1976 Code, § 13-101)

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

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

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

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

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1976 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1976 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1976 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1976 Code, § 13-105)

18-106. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge shall be collected by the city before service is restored. The charge shall be two dollars and fifty cents (\$2.50) for reconnections during regular working hours and five dollars (\$5.00) for reconnections after regular working hours. (1976 Code, § 13-116)

18-107. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the governing body) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1976 Code, § 13-108)

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

18-108. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1976 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1976 Code, § 13-110)

18-110. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

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

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1976 Code, § 13-111)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1976 Code, § 13-113)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Both charges shall be collected as a unit; no city employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

All bills shall be considered due and payable on or before the tenth (10th) day following the date a bill is rendered, and a service charge equivalent to ten percent (10%) of the bill shall be added and collected if such bill is not paid within the ten-day period.

If said delinquent bill is not paid within twenty (20) days further after said ten-day period, the city shall cause the water to be disconnected from the premises and the same shall not again be connected or used until all the delinquent accounts and bills for services are paid in full, including the fee for reconnecting said water service.

The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the due date for payment of a bill fall on Sunday or a holiday, the business day next following the due date will be the last day to pay without the service charge.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1976 Code, § 13-114)

18-113. Discontinuance or refusal of service. The city shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

The right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1976 Code, § 13-115)

18-114. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1976 Code, § 13-117)

18-115. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1976 Code, § 13-118)

18-116. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1976 Code, § 13-119)

18-117. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1976 Code, § 13-120)

18-118. Customer's responsibility for violations. Where the city furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1976 Code, § 13-121)

18-119. Supply and resale of water. All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1976 Code, § 13-122)

18-120. Unauthorized use of or interference with water or sewer service. It shall be unlawful for any person to injure or destroy any of the pipes, fixtures, or other property of the City of Smithville Waterworks and Sewer System, or to turn on water, or to make any connection with the pipes of

the water and/or sewer system, or other fixtures, either before or after the same have been shut off, stopped, or disconnected by the city, and it shall likewise be unlawful for any person to make any tap or connection with any water or sewer main, or any pipe connected thereto, or any plant belonging to the city, without first obtaining a written permit from the city. (1976 Code, § 13-123)

18-121. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1976 Code, § 13-124)

18-122. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1976 Code, § 13-125)

18-123. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1976 Code, § 13-126)

18-124. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1976 Code, § 13-127)

18-125. Interruption of service. The city will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1976 Code, § 13-128)

18-126. Schedule of rates and charges. All water and sewer service shall be furnished and charged for in accordance with the following schedule:

(1) Water rates.

<u>Amount of Water</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u>
1st 1,500 gallons	\$3.50	\$5.25
Next 2,500 gallons	1.25/1,000 gallons	1.56/1,000 gallons
" 6,000 gallons	1.13/1,000 gallons	1.25/1,000 gallons
" 10,000 gallons	.94/1,000 gallons	1.13/1,000 gallons
" 10,000 gallons	.75/1,000 gallons	.94/1,000 gallons
" 10,000 gallons	.63/1,000 gallons	.75/1,000 gallons
" 10,000 gallons	.50/1,000 gallons	.63/1,000 gallons
Over 50,000 gallons	.38/1,000 gallons	.50/1,000 gallons

(2) Sewer rates.

Fifty percent (50%) of water bill.

(3) Connection fees.

Water-\$150.00 inside city limits; \$300.00 outside city limits.

Sewer-\$100.00 inside city limits; \$200.00 outside city limits.

On all premises having a private water supply and connected with the sewer system there shall be installed a meter for measuring the amount of water supply to the premises.

(4) The City of Smithville is subject to established rates or charges. The City of Smithville shall be subject to the established charges and rates, or to charges and rates established in harmony therewith, for services rendered to the city, and shall pay such charges or rates when due from corporate funds. The same shall be deemed to be a part of the revenues of the waterworks and sewer system to be applied as provided for the application of such revenues.

(5) Fire hydrant rental. The fire hydrant rental to be charged the City of Smithville is hereby set to be sixty dollars (\$60.00) per year for each hydrant.

(6) Disposition of revenues of the waterworks and sewer system. All revenues derived from the operation of the waterworks and sewer system shall be set aside as collected and deposited in the City of Smithville Water and Sewer Revenue Fund created pursuant to the trust agreement entered into between the city and the First American National Bank on September 1, 1959, and shall be held and handled and disbursed only in accordance with the provisions of said trust agreement and shall always be sufficient to make all sinking fund, reserve, and other payments on the aforesaid junior lien bonds. (1976 Code, § 13-112)

18-127. Fluoridation of water. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Smithville; to submit such plans to the Department of Health and the State of Tennessee for approval; and, upon approval, to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1976 Code, § 13-129)

CHAPTER 2

SEWER USE ORDINANCE

SECTION

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- 18-225. Building sewers and connections.
- 18-226. Enforcement.
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- 18-228. Penalty; costs.

18-201. Purpose and policy. (1) This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Smithville, Tennessee, hereinafter known as the control authority and enables the control authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, the State of Tennessee's General Pretreatment Regulations, and the Federal Pretreatment Regulations (40 CFR, Part 403).

(2) The objectives of this ordinance are:

(a) 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;

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

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

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

(3) This ordinance provides for the regulation of direct and indirect 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. The SUO also authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(4) This ordinance shall apply to the City of Smithville and to persons outside the control authority who are, by contract or agreement with the control authority, users of the City of Smithville's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the mayor or his representative shall administer, implement, and enforce the provisions of this ordinance. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, 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) "Approval authority." The director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

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

(b) a general partner or proprietor if the industrial 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.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade (68 degrees Fahrenheit)

expressed in terms of weight [pounds per day (lb/day)] and concentration [milligrams per liter (mg/l)].

(5) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.

(6) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

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

(8) "City council." The person elected board of mayor and aldermen.

(9) "Combined sewer." A sewer receiving both sewage and surface runoff from down spouts, storm sewers and surface or groundwater.

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

(11) "Control authority." The Mayor of the City of Smithville, Tennessee or his representative.

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

(13) "Customer." Any individual, partnership, corporation, co-partnership, company, joint stock company, trust, estate, government entity, or any other legal entity or their legal agents or assigns who receives sewer service from the control authority under either an expressed or implied contract requiring payment to the control authority for such service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

(14) "Daily average loading." The average over a three (3) month period of waste constituents found in a 24-hour period in the sewage entering the influent of the POTW of the City of Smithville, Tennessee.

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

(16) "Domestic waste(s)." Liquid wastes

(a) from the non-commercial preparation, cooking, and handling of food, or

(b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(17) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or, where appropriate, the term may also be

used as a designation for the administrator or other duly authorized official of the said agency.

(18) "Ether soluble material." The quantity of solid obtained through the use of the ether extraction process as outlined for oils and greases in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

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

(20) "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.

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

(22) "Incompatible pollutant." All pollutants other than compatible pollutants as defined in (11) of this article.

(23) "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).

(24) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 502 of the Act (33 U.S.C. 1342).

(25) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the control authority'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 by the POTW.

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

(27) "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.

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

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

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

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

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

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

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

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

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

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

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

(30) "National pollutant discharge elimination system or NPDES permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(31) "Normal sewage." Sewage shall be regarded as normal for the control authority, if analyses show a daily average loading of not more than 300 milligrams per liter of BOD₅; not more than 800 milligrams per liter of COD; not more than 300 milligrams per liter of total suspended solids, not more than 30 milligrams per liter of ammonia-nitrogen; not more than 60 milligrams per liter of total Kjeldahl nitrogen; and not more than 100 milligrams per liter of ether soluble matter (oil and grease).

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

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

(34) "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.

(35) "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, process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

(36) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

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

(38) "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 control authority. 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 ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons inside and outside the control authority who are, by contract or agreement with the control authority, users of the control authority's POTW.

(39) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

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

(41) "Sanitary sewer." A sewer which carries sewage from dwellings (including apartment houses and hotels) office buildings, factories, or institutional buildings and into which storm, surface, and groundwaters are not intentionally admitted.

(42) "Sewer." A pipe or conduit for carrying sewage and other waste liquids.

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

(44) "Significant industrial user." Any industrial user of the control authority'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 25,000 gallons per day or more of process wastewater to the POTW; or

(c) contributes 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 control authority of 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.

(45) "Significant non-compliance:" (a) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six 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 33 percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed 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 control authority 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 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 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance

reports, periodic selfmonitoring 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 control authority determines will adversely affect the operation or implementation of the local pretreatment program.

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

(47) "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 ordinance, or 40 CFR 403.5(b), with procedures for follow-up written notification within 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.

(48) "State." The State of Tennessee Department of Environment and Conservation.

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

(50) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the mayor or his representative.

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

(52) "Superintendent." The General Superintendent of Water and Sewer Department of the City of Smithville, Tennessee or his representative.

(53) "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.

(54) "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.

(55) "Twenty-four 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 combine to form a representative sample.

(56) "Unpolluted water or waste." Any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

(57) "User." Any customer who contributes, causes or permits the contribution of wastewater into the control authority's POTW.

(58) "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.

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

(60) "Wastewater discharge permit." As set forth in § 18-223(2) of this ordinance. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-203. Abbreviations. The following abbreviations shall have the designated meanings:

BOD ₅	-	Five-day Biochemical Oxygen Demand.
CFR	-	Code of Federal Regulations.
COD	-	Chemical Oxygen Demand.
CWA	-	Clean Water Act.
EPA	-	Environmental Protection Agency.
l	-	Liter.
mg	-	Milligrams.
mg/l	-	Milligrams per liter.
NPDES	-	National Pollutant Discharge Elimination System.
NAICS	-	North American Industrial Categorical Standards.
POTW	-	Publicly Owned Treatment Works.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	-	United States Code.

TSS - Total Suspended Solids. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-204. General discharge prohibitions. (1) 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 a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or by injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the 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 104°F or 60°C using the test methods specified in 40 CFR 261.21, and any other substances which the control authority, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage or improperly shredded garbage with particles greater than one-half inch (½") 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.

(c) Any wastewater having a pH less than 5.0 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) 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.

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

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

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

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) 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 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(j) 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.

(k) Any wastewater containing any radioactive waste or isotopes of such halflife or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

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

(m) Any wastewater containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause

interference with the POTW or pass through at the wastewater treatment plant.

(2) When the control authority 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 control authority 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. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-205. Fats, oils, and grease, waste food, and sand guidelines.

Fat, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and can contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.

(1) Interceptors. Fat, oil, and grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single family residences, but may be required for multiple family residences. All interceptors shall be of a type and capacity approved by the control authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(a) Fat, oil, grease, and food wastes. (i) New food service facility. On or after the effective date of this ordinance, food service facilities which are newly proposed or constructed, shall be required to install, operate and maintain a grease interceptor with a minimum capacity of 750 gallons. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a grease interceptor. Designed criteria will conform to the standard in accordance with any provisions of the plumbing code as adopted by the City of Shelbyville and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

(ii) Existing food service facilities. On or after the effective date of this ordinance, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the control authority, necessary for the control of FOG and food

waste. Upon notification, the facility must be in compliance within 90 days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the control authority the user continues to impact the POTW, additional pretreatment measures will be required.

(b) Sand, soil, and oil. All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the control authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the control authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewers.

(c) Laundries. Where directed by the control authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids ½-inch or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil must be designed in accordance with Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the control authority is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the control authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the control authority has under this SUO, or state or federal law.

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

There shall be no charge for random inspections conducted by the control authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by control authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of \$50 shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of \$150 shall be

charged to the facility if all of the deficiencies have still not been corrected. If a third or more re-inspections are required a re-inspection fee of \$300 for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have still not been corrected.

(2) Solvents. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. (as added by Ord. #334, Dec. 2002)

18-206. 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 ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The mayor shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12. (Ord. #234, _____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-207. Modification of federal categorical pretreatment standards. Where the control authority's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the control authority 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 a less toxic or harmless state in the effluent which is achieved by the system 95 percent 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 control authority may then 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. #234, _____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-208. Limitations on wastewater strength. No person or user shall discharge wastewater in excess of the concentration set forth in the table below unless:

- (1) an exception has been granted the user by the city council; or
- (2) the wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Parameter	Maximum Allowable Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Allowable Instantaneous Concentrations in Grab Sample (mg/l)
BOD ₅	300	450
COD	800	1200
Suspended solids	300	450
Arsenic	1.0	1.5
Asbestos	1.5 x 10 ⁷ f/l*	2.0 x 10 ⁷ f/l*
Cadmium	2.0	3.0
Chromium	6.0	9.0
Copper	2.5	4.0
Cyanide	2.0	3.0
Lead	1.0	1.5
Mercury	0.02	0.03
Nickel	5.0	7.5
Selenium	1.0	1.5
Silver	1.0	1.5
Zinc	2.5	4.0
Oil & grease	100.0	150.0
Phenolic Compounds	3.0	4.5

*f/l=fibers/liter

Any user discharging wastewater having pollutants in excess of the concentrations listed above may be subject to fines and/or surcharges as outlined in § 18-226 hereinafter. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-209. Criteria to protect the treatment plant influent. The control authority shall monitor the treatment works influent for the parameters in the following table. The industrial user may be subject to the reporting and monitoring requirements set forth in § 18-224(3) and § 18-224(5) for all or a part of these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the mayor or his representative shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city council such remedial measures as are necessary, included, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The mayor or his representative shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event

that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-210. 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 ordinance. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-211. Control authority's right of revision. The control authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this ordinance. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-212. 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 control authority or state. The combination of process wastes and domestic wastes prior to discharge is not considered dilution. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-213. Slug discharges. Each user shall provide protection from slug discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent slug discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until a slug discharge control plan has been approved by the control authority.

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

<u>Parameter</u>	Maximum Allowable Concentration in 24 Hour Flow Proportional <u>Composite Sample</u> (mg/L)	Maximum Allowable Instantaneous Concentration in <u>Grab Sample</u> (mg/L)
Aluminum	15.000	30.00
Antimony	0.500	1.0
Arsenic	0.025	0.05
Asbestos	300,000 f/l*	400,000 f/l*
Barium	2.500	5.00
Beryllium	0.010	0.005
Boron	0.250	0.50
Cadmium	0.014	0.023
Chromium	0.273	0.410
Copper	0.255	0.369
Cyanide	0.018	0.028
Fluoride	10.00	20.00
Iron	5.00	10.00
Lead	0.067	0.103
Manganese	0.05	0.10
Mercury	0.0002	0.0003
Nickel	0.084	0.12
Selenium	0.005	0.01
Silver	0.011	0.017
Titanium	1.00	2.00
Zinc	0.092	0.138
Benzene	0.013	0.02
Combined Phthalate Esters	0.205	0.308
Ethylbenzene	0.018	0.027
Naphthalene	0.003	0.005
Phenol	0.294	0.441
Toluene	0.094	0.190
1,1,1-Trichloroethane	0.13	0.195
1,2 Transdichloroethylene	0.004	0.006
Methylene Chloride	0.114	0.171
Chloroform	0.17	0.255
Tetrachloroethylene	0.089	0.134
Oil & grease	25.00	50.00
Total Kjeldahl Nitrogen (TKN)	45.00	90.00

* f/l = fibers/liter

meet the requirements of this ordinance. In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(1) Written notice. Within five (5) days following a slug discharge the user shall submit to the control authority 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 article or other applicable law.

(2) 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 procedure. (Ord. #234, _____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-214. Installation of building sewers. When connections to the POTW are required and/or permitted the control authority shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the control authority and the property owner to the contrary.

It is the responsibility of the user to install and maintain sewer lateral lines or building sewers within his property boundaries. The design and construction methods for building sewers within the property boundaries of the user shall be in accordance with the standard specifications on file in the mayor's office. All laterals from the mains to the property line shall be installed through contract by the control authority and assessed to the property owner; however, the control authority still assumes no responsibility. (Ord. #234, _____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-215. Discharge of hazardous wastes. All industrial users shall notify the control authority, 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).

If the industrial user discharges more than 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 12 months.

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

Industrial users are exempt from notification requirements if:

(1) the pollutants are already monitored and reported under the user's permit requirements; or

(2) less than 15 kilograms of non-acute hazardous wastes are discharged within a calendar month.

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 90 days of the effective date of such regulations.

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. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-216. Prohibitions on storm drainage and groundwater. Storm water, ground water, rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage shall not be discharged through direct or indirect connections to the POTW. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-217. Unpolluted water. Unpolluted water, including, but not limited to, cooling water in excess of 10,000 gallons per day or process water shall not be discharged through direct or indirect connections to a community sewer unless such discharge is permitted by the user's wastewater discharge permit. A quantity of no more than 10,000 gallons per day of cooling water can be directly discharged by any user to the public sewer. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-218. Limitations on the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where such grinders are installed as a part of a residential dwelling. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. (Ord #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-219. Limitations of point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as it deems reasonably necessary to insure compliance with the provisions of this article and the user shall be required to pay applicable charges and fees therefor. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-220. Septic tank pumping, hauling and discharge. No person owning vacuum or "cess pool" 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 control authority. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. 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 control authority for violation of any provision of this article or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in its absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

The minimum charge for disposal of wastewater or sludge removed from septic tanks or sanitary privies into the POTW shall be twenty-five dollars (\$25.00) per load and the maximum charge shall be fifty dollars (\$50.00) per load with the exact charge determined on a volume basis by the mayor or his representative; the schedule of charges may be changed by action of the city council. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-221. 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 control authority. 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 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 therefor, and shall comply

with the conditions of the permit issued by the control authority. 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. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-222. On-site private wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to, sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state and DeKalb County Public Health Department requirements.

Where a property exists within the city limits, which is not within 100 feet of an existing sewer main, the city council may require the property owner to install and/or continue to operate a private sewer system within the rules and regulations of the DeKalb County and State Health Agencies. Said operation of a private system shall be at the expense of the owner.

In the event the DeKalb County and/or State Health Agencies cannot approve a private system, either proposed or in existence, the city council may, upon payment by the owner of all costs, install sanitary sewer to the property line.

Where gravity sewer cannot at reasonable cost be made available to a building, the control authority may provide either a force main access, or a gravity sewer access at the property line for the appropriate fee, and it shall be the owner's responsibility to install equipment to lift building sewage by approved means to such connection provided. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-223. Charges and fees. (1) Purpose. It is the purpose of this section to provide a schedule of charges and fees which will enable the control authority 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 control authority. These charges and fees shall be recovered through the user classification established hereinafter.

(2) Classification of users. All users shall be classified by the 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 control authority 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;
- (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	800 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	300 milligrams per liter
Oil and Grease	100 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 control authority, 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 control authority. 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 control authority, which water is discharged into the POTW shall install, without cost to the control authority, 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 chapter. 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 control authority'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 control authority 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) Surcharges. The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in "Normal Wastewater" including "toxic wastes."

The surcharge shall be based on the analytical results on not less than three (3) 24-hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding three months. Samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the control authority in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater".

The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c \times B) + (S_c \times S) + P_c \times P] V_u$$

Where: C_s = Surcharge for wastewater exceeding the strength of "Normal Wastewater" expressed in dollars per billing period.

B_c = O&M cost for treatment of a unit of BOD₅ expressed in dollars per pound.

B = Concentration of BOD₅ from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.

S_c = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.

P_c = O&M cost for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.

P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the wastewater manager.

V_u = Volume contribution of a user per billing period. (Expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values

shall be undertaken whenever necessary; but in no case less frequently than biennially.

(8) 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.

(9) Biennial review of operation and maintenance charges. The control authority 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 control authority 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. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-224. Administration. (1) Wastewater discharges. It shall be unlawful to discharge without a control authority permit to any natural outlet within the City of Smithville, or in any area under the jurisdiction of said control authority, and/or to the POTW any wastewater except as authorized by the mayor or his representative in accordance with the provisions of this ordinance.

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

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

- (i) Name, address, and location (if different from the address);
- (ii) NAICS number according to the North American Industrial Categorical Standards;
- (iii) Wastewater constituents and characteristics including, but not limited to, those mentioned in § 18-204 of this ordinance as determined by a 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;
- (iv) Time and duration of contribution;
- (v) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (vii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or 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 Operation and Maintenance (O & M) and/or additional pretreatment is required for the significant industrial user to meet applicable pretreatment standards;
- (ix) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the significant industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

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

(B) No increment referred to in paragraph (A) shall exceed 9 months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the mayor or his representative 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 9 months elapse between such progress reports to the mayor or his representative.

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

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

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

(xiii) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

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

(c) Permit modifications. Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a significant industrial user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 18-224(2)(b), the significant industrial user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the significant industrial user with an existing wastewater discharge permit shall submit to the mayor or his representative within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by § 18-224(b)(viii) and (ix).

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the control authority. Permits may contain the following:

- (i) Statement of duration (5 years or less);
- (ii) Statement of conditions of transferability;
- (iii) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (iv) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (v) Limits on the average and maximum wastewater constituents and characteristics;
- (vi) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (vii) Requirements for installation and maintenance of inspection and sampling facilities;
- (viii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (ix) Compliance schedule;
- (x) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the control authority, and affording the control authority access thereto;
- (xi) Requirements for submission of technical reports or discharge reports (see § 18-224(3));
- (xii) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (xiii) Requirements for notification of slug discharges; or
- (xiv) Other conditions as deemed appropriate by the control authority to ensure compliance with this ordinance.

(e) Permits 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 significant industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification of the control authority during the term of the permit as limitations or requirements as identified in § 18-204 are modified or other just cause exists. The significant industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new

significant industrial user, different premises, or a new or changed operation without prior written notice to the control authority, approval granted by the control authority, and a provision is made of transferring a copy of the existing IU permit to the new owner and/or operator. Any succeeding owner or significant industrial user shall also comply with the terms and conditions of the existing permit.

(3) Reporting requirements for permittee. (a) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to pretreatment standards and requirements shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes 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 significant industrial user, and certified by a qualified professional.

(b) Periodic compliance reports. (i) Any significant industrial user subject to 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 control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 18-224(4) of this section. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

(ii) The control authority may impose mass limitation on significant industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by sub-paragraph (i) of this

paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable industrial user permit. All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(c) Permit limit violations. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for the parameter(s) violated within five (5) days and submit the results of the repeat analysis to the superintendent within 30 days after becoming aware of the violation. The user shall also provide written notice of the violation in accordance with § 18-213(1).

(4) Monitoring facilities. The control authority shall require to be provided and operation at the significant industrial 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 control authority may, when such location would be impractical or cause undue hardship on the significant industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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 significant industrial user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the control authority.

(5) Inspection and sampling. The control authority shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the control

authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, approval authority, and EPA shall have the right to set up on the significant industrial user's property such devices as are necessary for them to conduct sampling inspections, compliance monitoring and/or metering operations.

The control authority will establish those priority pollutants to be sampled, at the user's expense, at the prescribed minimum frequency shown in the significant industrial user's permit. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 as amended. The user shall submit monitoring reports, no more than 15 days after the month the sample was taken during, to the control authority of those priority pollutants to be sampled at the frequency prescribed in the industrial user permit. The results of any and all sampling of the user's discharge shall be reported, including sampling which exceeds the required minimum frequency. Failure to comply with these requirements may result in enforcement action as set forth in § 18-226 of this ordinance.

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 control authority, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(6) Pretreatment. Significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance 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 control authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before construction of the facility. Plans and specifications for pretreatment facilities shall bear the stamp of a professional engineer registered in the State of Tennessee. 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 control authority under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority 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 control authority, EPA or state upon request.

(7) Connection permits. All users, other than significant industrial users, shall obtain a connection permit before connecting to or contributing to the POTW.

(8) 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 control authority 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 not be made available for inspection by the public but shall be made available upon request to the state and/or EPA for uses related to this ordinance, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state, any state agency, or the EPA 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 control authority as confidential, shall not be transmitted to any governmental agency or to the general public by the control authority until and unless a ten-day notification is given to the user.

(9) Public notification. In compliance with 40 CFR Part 403.8, the control authority shall annually publish in the local newspaper a list of industrial users which, during the previous twelve months, were in significant non-compliance with the pretreatment program requirements. Significant non-compliance is defined in § 18-202(45) of this ordinance. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-225. 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 public sewer or appurtenances thereof without first obtaining a written building sewer permit from the control authority.

There shall be two (2) classes of building sewer permits:

- (a) Residential and commercial service, and
- (b) Service to establishments producing industrial wastes.

In either case, the customer or his agent shall make application on a special form furnished by the control authority. The permit application shall be supplemented by any plans, specifications or other information such as grease traps needed by restaurants, dining halls or any other type of eating establishments, considered pertinent in the judgment of the control authority. A permit and inspection fee as currently in effect for a residential or commercial

building sewer permit and for an industrial building sewer permit shall be paid to the control authority at the time the application is filed. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall provide a laboratory analysis of the waste, if possible, or of a similar waste if the applicant has another facility in operation with a similar waste.

Establishments which have or possibly should have grease traps will be inspected by the control authority. If, in the opinion of the control authority, the grease trap is found to be deficient, or no grease trap exists, a new grease trap shall be installed at the owner's expense. Plans, specifications and any other pertinent information shall be submitted for approval prior to replacing the existing grease trap.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the control authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to the public sewer shall be made only by a plumber duly authorized in writing by the superintendent's office.

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 testing by the superintendent, to meet all requirements of this ordinance.

New building sewers shall be at least four inches in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. New four-inch building sewers shall be laid on a grade of at least 1.0%. Larger new building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 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 or the WEF Manual of Practice, No. 9.

New building sewers shall be constructed only of

- (a) poly-vinyl-chloride pipe (Schedule 40) with rubber compression or solvent weld joints;
- (b) ductile iron pipes with push-on joints;
- (c) cast-iron soil pipe with push-on joints;
- (d) clay pipe with either bell and spigot or plain-end pipe joints;

or

- (e) concrete pipe.

Under no circumstances will cement mortar or leaded joints be acceptable. Each new connection to the public sewer must be made at a wye or service line stub out or, in the absence of any other provision, by means of a saddle of a type approved by the control authority attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line. In addition, the inserting of a service line into an existing or new building sewer is strictly prohibited.

The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one (1%) percent or more is possible. Where basement or floor levels are lower than the tops of adjacent manholes at the point of connection to the public sewer, customers shall not be connected by gravity flow. Pumps for basement service or floor levels lower than the tops of adjacent manholes shall be used in order to avoid possible flooding of basements in case of sewer line surcharge. The cost of the pump shall be borne by the customer. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastes carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer.

Cleanouts shall be installed on building sewers within five (5) feet of the outside wall of the structure and in one hundred (100) foot intervals thereafter.

No person shall make connection of roof down spouts, 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 public sewer.

If during periodic system inspections the control authority locates a point of entry of inflow in an owner's building sewer, the owner shall repair the defect(s) at his own expense and furthermore notify the control authority upon completion so that an inspection can be made to determine the water tightness of the repair.

The connection of the building sewer into the public sewer shall conform to the rules and regulations the control authority 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 superintendent before installation.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. All connections shall be made under the supervision of the superintendent or their representative before acceptance.

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 control authority.

This subsection of the ordinance shall also include the replacement of an existing building sewer. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-226. Enforcement. (1) Harmful contributions. The control authority may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the control authority, 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 to the POTW or causes the control authority to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge 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 control authority 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 control authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying 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 control authority within 5 days of the date of occurrence in accordance with § 18-213 of this ordinance.

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

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (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 control authority finds that any user has violated or is violating this ordinance, the wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the control authority may serve upon such person a written notice by registered mail stating the nature of the violation. Within 30 days of the date of the Notification of Violation, a plan for the satisfactory correction thereof shall be submitted to the control authority 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 30 days of receiving notice of violation, the control authority shall issue an 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 30 day interval.

(5) Cease and desist order. When the control authority finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this ordinance or the provisions of a wastewater discharge permit, the control authority 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 Sewer Use Ordinance and/or industrial user discharge permit issued by the control authority 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 control authority shall have the power to impose such fines and penalties.

(7) Show cause hearing. The control authority may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this ordinance or wastewater permit to show cause before the control authority 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 control authority 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 control authority 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 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.

The control authority council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the control authority to:

- (a) Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence; or
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

At any hearing held pursuant to this ordinance, testimony taken shall be under oath and may, at the request of either party, be recorded stenographically. The transcript, so recorded, will be made available to any

member of the public or any party to the hearing upon payment of the usual charges thereof.

After the control authority 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, and/or these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(8) Legal action. If any person discharges sewage, industrial wastes or other wastes into the control authority's wastewater disposal system, contrary to the provisions of this SUO, federal or state pretreatment requirements, or any order of the control authority; or in any other way violates this USO or the applicable IU discharge permit the control authority attorney may commence an action for appropriate legal and/or equitable relief. (Ord. #234, ____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-227. Surcharges and reimbursements. (1) Surcharges. Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which exceed the strength of "normal wastewater" in accordance with § 18-223(4) of this ordinance shall be subject to surcharge as described in § 18-223(7) of this ordinance.

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

(2) Enforcement action. If a violation of permit limits for compatible pollutants remains uncorrected 45 days after notification of violation, or if the discharge of excessive compatible pollutants interferes with the operation of the POTW, the control authority will have the option of disconnecting service and/or invoking fines as outlined in § 18-226 and § 18-228 of this ordinance.

After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specific 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.

(3) Reimbursements. In the event that a discharge by an industrial user interferes with the POTW and/or requires efforts of the control authority beyond those normally associated with the operation of the POTW, the control authority may bill the industrial user for the cost of such additional effort. This shall include labor costs, enzymes, chemicals, cleaning supplies, and any other costs incurred by the control authority in association with the industrial

discharge. (Ord. #234, ___, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

18-228. Penalty; costs. (1) Civil penalties. Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than one thousand (\$1000) dollars as authorized by Tennessee Code Annotated, § 69-3-115 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the control authority 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 ordinance 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 ordinance, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, or commits an act in violation of the law with criminal intent shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation per day or imprisonment for not more than one year or both as authorized by Tennessee Code Annotated, § 69-3-115(c).

(3) Public nuisance. Any building sewer, tap, line, holding tank, or mechanism through which wastewater is routed into the POTW and which allows the discharge into the POTW of any wastewater containing a pollutant causing interference with the POTW, any toxic pollutant, any prohibited substance described in § 18-204, or any combination of the foregoing, as set forth and defined in this ordinance, is hereby declared a public nuisance. The judicial remedy or remedies for abating public nuisances shall be cumulative to all other administrative and judicial remedies set forth in this ordinance. (Ord. #234, _____, as replaced by Ord. #269, Oct. 1996, and Ord. #334, Dec. 2002)

CHAPTER 3

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Violations.

18-301. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

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

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

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

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

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

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

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

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the city, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1976 Code, § 13-201)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction, any sewage or other polluted waters,

except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1976 Code, § 13-202)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1976 Code, § 13-203)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections 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 a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. 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 superintendent before installation.

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

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1976 Code, § 13-204)

18-305. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) 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 Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150°)F (65°)C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°)F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharges to the receiving waters.

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

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, (above 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses

are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (1976 Code, § 13-205)

18-306. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1976 Code, § 13-206)

18-307. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-305(8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1976 Code, § 13-207)

18-308. Violations. (1) Any person found to be violating any provision of this chapter except § 18-306 shall be served by the city with a written notice

stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this code.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (1976 Code, § 13-208)

CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. 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 Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

¹Municipal code reference

Plumbing code: title 12, chapter 2.

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. (1976 Code, § 8-301)

18-402. 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. (1976 Code, § 8-302)

18-403. 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. (1976 Code, § 8-303)

18-404. 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. (1976 Code, § 8-304)

18-405. 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. (1976 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1976 Code, § 8-306)

18-407. 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. (1976 Code, § 8-307)

18-408. 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 § 18-402, or the agent of the owner to provide such facilities. (1976 Code, § 8-308)

18-409. 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. (1976 Code, § 8-309)

18-410. 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. (1976 Code, § 8-310)

18-411. 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. (1976 Code, § 8-311)

18-412. 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. (1976 Code, § 8-312)

18-413. 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. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1976 Code, § 8-313)

18-414. 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. (1976 Code, § 8-314)

18-415. 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. (1976 Code, § 8-315)

CHAPTER 5

SURPLUS WATER RATES

SECTION

- 18-501. Rate established.
- 18-502. Notice required to change rate.
- 18-503. City to recover amount.
- 18-504. Meters-billing.

18-501. Rate established. From and after November 1, 1980, the DeKalb Utility District may continue to take from the city's water system the city's surplus potable treated water at said locations, and as metered, from the city's system at the rate of one dollar and twenty-five cents (\$1.25) per one thousand (1,000) gallons, which amount so furnished shall be subject to the limitation of the capacity of the system after first supplying the needs of the city for its own use and that of its other customers as set forth above. (Ord. #150, Oct. 1980)

18-502. Notice required to change rate. The rate of one dollar and twenty-five cents (\$1.25) shall remain in force and effect until such time as the City of Smithville shall give notice to the DeKalb Utility District of a change of rate or a limitation of the amount of water it can furnish the DeKalb Utility District without impairing its present usefulness and capacity, as aforesaid.

Should a change or modification in this rate, or a limitation as to the amount of surplus water the city can furnish the district, become necessary, as determined by the City of Smithville, in meeting its obligations to its said customers and residents, or in operating its system, as provided by law, the City of Smithville will give the DeKalb Utility District thirty (30) days' notice in advance of such change or modification in rates or limitation as to the gallonage of surplusage water the city will furnish to the DeKalb Utility District. In case such determination is made by the city, it will take appropriate action to enforce this provision. (Ord. #150, Oct. 1980)

18-503. City to recover amount. The fixing of this rate is prospective in this nature, and the rate of \$1.25 per 1,000 gallons herein fixed to begin on November 1, 1980, shall not, in anywise, prejudice or affect the rights of the City of Smithville to continue to seek and recover the amount claimed by the city, or allowed by the court, for water heretofore furnished by the city to the district and which is now, and has been since October 31, 1978, in dispute. (Ord. #150, Oct. 1980)

18-504. Meters-billing. All of the meters through which the surplus water passes from the city's system to the DeKalb Utility District's system shall

be read each month, the amount due and owing by the district to the city then calculated, and a bill therefor submitted by the city to the district. The district shall pay the amount so billed within seven (7) days from and after the bill is mailed by the city to the district. Should the district neglect or fail to pay the bill within said allotted time, the Water Department of the City of Smithville will cut off and discontinue water services to the district until such bill is paid and satisfied in full. (Ord. #150, Oct. 1980)

CHAPTER 6**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-601. Definitions.
- 18-602. Standards.
- 18-603. Construction, operation and supervision.
- 18-604. Statement required.
- 18-605. Inspections required.
- 18-606. Right of entry for inspections.
- 18-607. Correction of existing violations.
- 18-608. Use of protective devices.
- 18-609. Unpotable water to be labeled.
- 18-610. Violations.

18-601. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

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

(5) "Inter-connection." 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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (Ord. #114, April 1977)

18-602. Standards. The Smithville Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-101 through 68-221-104 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connection, auxiliary intakes, by-passes, and inter-connections, and establish an effective, on-going program to control these undesirable water uses. (Ord. #114, April 1977)

18-603. Construction, operation and supervision. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-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 Health, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of waterworks of the City of Smithville. (Ord. #114, April 1977)

18-604. 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 waterworks of the City of Smithville a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #114, April 1977)

18-605. Inspections required. It shall be the duty of the Smithville Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the superintendent of waterworks of the City of Smithville and as approved by the Tennessee Department of Health. (Ord. #114, April 1977)

18-606. Right of entry for inspections. The superintendent of waterworks or authorized representative shall have the right to enter at any reasonable time any property served by a connection to the Smithville Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. 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. #114, April 1977)

18-607. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections 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 waterworks of the City of Smithville. (Ord. #114, April 1977)

18-608. 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 system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The superintendent of waterworks of the City of Smithville, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of waterworks of the City of Smithville prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have this right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of waterworks, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit has been installed and the continuance

of service is critical, the superintendent of waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the superintendent of waterworks of the City of Smithville. (Ord. #114, April 1977)

18-609. Unpotable water to be labeled. The potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. #114, April 1977)

18-610. Violations. 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) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the superintendent of waterworks of the City of Smithville shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #114, April 1977)