

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

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CHAPTER 1**WATER AND SEWERS****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. (1983 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) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

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

(6) "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. (1983 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. (1983 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 of 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 and general practice, the liability

of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1983 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. (1983 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit equal to the estimated cost of the installation.

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

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1983 Code, § 13-106)

18-107. Water and sewer main extensions. 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 Waterworks Association Standard (or other construction approved by the city council), 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 city council) 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 city council 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. (1983 Code, § 13-108)

18-108. Water and sewer main extension variances. Whenever the city council 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 city council.

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. (1983 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. (1983 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"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1983 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 rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1983 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.

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

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise

the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. 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 final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

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. (1983 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 services 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.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1983 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of established by council shall be collected by the city before service is restored. (1983 Code, § 13-116)

18-115. 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, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the 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. (1983 Code, § 13-117)

18-116. 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. (1983 Code, § 13-118)

18-117. 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. (1983 Code, § 13-119)

18-118. 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 care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-120)

18-119. 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. (1983 Code, § 13-121)

18-120. 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. (1983 Code, § 13-122)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1983 Code, § 13-123)

18-122. 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. (1983 Code, § 13-124)

18-123. 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. (1983 Code, § 13-125)

18-124. 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. (1983 Code, § 13-126)

18-125. 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. (1983 Code, § 13-127)

18-126. 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 municipal 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. (1983 Code, § 13-128)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the city may from time to time prescribe.¹ (1983 Code, § 13-112)

18-128. Drought Management Plan. The full text of the Drought Management Plan² is attached hereto and incorporated by reference. (as added by Ord. #313, Jan. 2018)

¹Administrative ordinances and resolutions are of record in the office of the city recorder.

²The Drought Management Plan, and all amendments thereto, may be found in the office of the city recorder.

CHAPTER 2**MUNICIPAL SEWER USE REGULATIONS¹****SECTION**

- 18-201. General provisions.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Regulations.
- 18-205. Fees.
- 18-206. Administration.
- 18-207. Enforcement.
- 18-208.--18-210. [Deleted.]

18-201. General provisions. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Trenton, hereinafter known as the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, the Tennessee Water Quality Control Act of 1977, as amended, and the U.S. Environmental Protection Agency General Pretreatment Regulations found at 40 CFR, Part 403.

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater.
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of contributors to the municipal wastewater system through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires reporting by users, assumes that existing customer's capacity will not

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18, chapter 4.

be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city's publicly owned treatment works (POTW). Except as otherwise provided herein, the control authority shall administer, implement, and enforce the provisions of this chapter. (1983 Code, § 13-201, as replaced by Ord. #232, March 2002)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

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

(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; or

(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 discharge originates.

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

(5) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR Part 136, Method 405.1 including the use of a nitrification inhibitor.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with Section 307 of the Act, that apply to specified process wastewaters of particular industrial categories defined at 40 CFR Part 403.6 and at 40 CFR Chapter I, Subchapter N.

(7) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(8) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one parameter listed in the permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring events, plus control authority

compliance monitoring events in the six month period covered by the semi-annual report required by the approval authority.

(9) "City." The City of Trenton, Tennessee.

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

(11) "Control authority." The General Manager of the City of Trenton, Tennessee Light and Water Department or his designee.

(12) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR Part 401.16; and ammonia reported as nitrogen (NH₃-N) and organic nitrogen.

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

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

(15) "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 said agency.

(16) "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.

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

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

(19) "Industrial user." A source of nondomestic wastewater. Any nondomestic source discharging pollutants to the POTW.

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

(21) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

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

(b) Therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(22) "National pretreatment standard or pretreatment standard." Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to the specific category of industrial users and provides limitations on the introduction of pollutants into POTW's. This term includes the prohibited discharge limits found at 40 CFR Part 403.5, including local limits.

(23) "National prohibited discharges." Prohibitions applicable to all users regarding the introduction of pollutants into POTW's set forth at 40 CFR Part 403.5.

(24) "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 promulgated 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 construction 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 any existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (b) or (c) of § 18-202(24) hereinbefore, but otherwise alters, replaces or adds to existing process or production

equipment. Construction of a new source as defined under § 18-202(24) has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly or installation of facilities or equipment; or 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

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under § 18-202(24).

(25) "National Pollution Discharge Elimination System (NPDES) Permit." A permit issued pursuant to section 402 of the Act.

(26) "North American Industrial Classification System (NAICS)." A classification pursuant to the North American Industry Classification System issued by the executive office of the president, office of management and budget, 1997.

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

(28) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution measured using the standard procedure defined at 40 CFR Part 136, Method 150.1.

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

(30) "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.

(31) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

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

(33) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, which is owned in this instance by the city.

This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

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

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

(36) "Significant industrial user." Any user of the POTW who is

(a) Subject to categorical pretreatment standards; or

(b) Has a process wastewater discharge flow of 25,000 gallons or more per average work day; or

(c) Has a flow or loading of conventional pollutants greater than 5% of the total flow or total conventional pollutant loading to the POTW treatment plant; or

(d) Is found by the control authority, approval authority or the EPA to have a reasonable potential for significant adverse impact, either singly or in combination with other contributing industries, on the POTW treatment plant, the quality of sewage sludge, the POTW effluent quality, or air emissions generated by the POTW treatment plant.

(37) "Significant noncompliance (SNC)." Any violation of pretreatment requirements (limits, sampling, analysis, reporting, compliance schedules and regulatory) which meet one or more of the following criteria:

(a) Violations of wastewater discharge limits including:

(i) Chronic violations;

(ii) Technical review criteria (TRC) violations;

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

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge as defined at 40 CFR Part 403.8 (f) (1) (vi) (B).

(b) Violations of compliance schedule milestones, contained in an enforcement order, for starting construction, completing construction and attaining final compliance by 90 days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data or as required for categorical industrial users (baseline monitoring reports, 90-day compliance reports and periodic reports) within 30 days from the due date.

(d) Failure to accurately report noncompliance.

(38) "State." State of Tennessee.

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

(40) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, measured using the standard procedure defined at 40 CFR Part 136, Method 160.3.

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

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

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

(42) "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 section 307(a) of the Act.

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

(44) "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.

(45) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1983 Code, § 13-202, as replaced by Ord. #232, March 2002)

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

BOD	- Biochemical Oxygen Demand (Five Day)
CBOD ₅	- Carbonaceous Biochemical Oxygen Demand (Five Day)
CFR	- Code of Federal Regulations.
COD	- Chemical Oxygen Demand.
EPA	- Environmental Protection Agency.
l	- Liter.
mg	- Milligrams.

mg/l	- Milligrams per liter.
NAICS	- North American Industrial Classification System.
NH ₃ -N	- Ammonia Reported as Nitrogen.
NPDES	- National Pollutant Discharge Elimination System.
POTW	- Publicly Owned Treatment Works.
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	- Suspended Solids.
USC	- United States Code. (1983 Code, § 13-203, as replaced by Ord. #232, March 2002)

18-204. Regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of 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 the 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 be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW (or at any point in the POTW) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(b) Solid or viscous substances in a quantity or concentration which causes obstruction to the flow in a sewer or interference with the operation of the POTW treatment plant such as, but not limited to: vegetable and mineral oils, grease, 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 pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage of 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 POTW treatment plant 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 the sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act or under 40 CFR Part 503; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES 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 degrees C (104 degrees F) unless the POTW is designed to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants CBOD, COD, $\text{NH}_3\text{-N}$ 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 wastes or isotopes of such half-life 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.

When the control authority determines that a user 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 advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct the interference with the POTW.

(2) Categorical pretreatment standards. Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standard, if more stringent than limitations listed in (4)(b) of this section for sources in that category, shall immediately supersede the limitations listed in (4)(b) of this section. The control authority shall notify all affected significant industrial users of the applicable reporting requirements under 40 CFR, Section 403.12.

(3) Modification of categorical pretreatment standards. If the POTW treatment plant achieves consistent removal of pollutants limited by categorical pretreatment standards, the city may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant which is achieved by the POTW treatment plant as established by the average of the lowest 50 percent of the removals measured when measured according to the procedures set forth at 40 CFR Part 403.7(b)(2). The city may then modify pollutant discharge limits in the categorical pretreatment standards if the requirements listed in 40 CFR, Part 403.7, are fulfilled and prior approval from the approval authority is obtained.

(4) Wastewater discharge limitations. No user shall discharge wastewater containing in excess of the concentration listed for each of the following pollutants unless:

(a) An exception has been granted the user by the control authority; or

(b) 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.

Pollutant	Monthly Average Maximum Concentration (mg/l)	Daily Average* Maximum Concentration (mg/l)
Arsenic	0.92	1.84
Copper	2.06	4.12
Chromium	1.08	2.16
Nickel	3.74	7.48

Pollutant	Monthly Average Maximum Concentration (mg/l)	Daily Average* Maximum Concentration (mg/l)
Cadmium	0.08	0.16
Lead	0.29	0.58
Mercury	0.0005	0.001
Silver	0.01	0.02
Zinc	6.53	13.06
Cyanide	0.18	0.36
Toluene	0.49	0.98
Benzene	0.07	0.14
1,1,1 Trichloroethane	3.05	6.10
Ethylbenzene	0.22	0.44
Carbon Tetrachloride	0.14	0.28
Chloroform	0.78	1.56
Tetrachloroethylene	2.54	5.08
Trichloroethylene	3.05	6.10
1,2 trans Dichloroethylene	0.11	0.22
Methylene Chloride	11.44	22.88
Phenols, Total	15.25	30.50
Naphthalene	0.15	0.30
Phthalates, Total	3.93	7.86

*Based on 24-hour flow proportional composite samples.

Sampling for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 CFR Part 403.12(b)(5). Analyses for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 CFR Part 136.

(5) Criteria to protect the POTW treatment plant influent.

(a) General. The city shall monitor the influent to the POTW treatment plant for each parameter listed hereinafter. In the event that the influent to the POTW treatment plant reaches or exceeds the concentration values for any parameter listed hereinafter, the control authority shall initiate technical studies to determine the cause of the exceedance, and shall implement remedial measures as are necessary, included, but not limited to the establishment of new or revised wastewater discharge limitations for these parameters. The control authority shall re-evaluate any of these criteria in the event the POTW treatment plant 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.

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
CBOD ₅	200	400
TSS	200	400
NH ₃ -N	15	30
Free Oil and Grease	100	200
Arsenic	0.100	0.200
Copper	0.230	0.460
Chromium	0.118	0.236
Nickel	0.409	0.818
Cadmium	0.009	0.018
Lead	0.039	0.078
Mercury	0.00005	0.0001
Silver	0.001	0.002
Zinc	0.800	1.600
Cyanide	0.021	0.042
Toluene	0.054	0.108

Parameter	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
Benzene	0.008	0.016
1,1,1 Trichloroethane	0.333	0.666
Ethylbenzene	0.024	0.048
Carbon Tetrachloride	0.015	0.030
Chloroform	0.085	0.170
Tetrachloroethylene	0.278	0.556
Trichloroethylene	0.333	0.666
1,2 trans Dichloroethylene	0.013	0.026
Methylene Chloride	1.250	2.500
Phenols, Total	1.667	3.334
Naphthalene	0.017	0.034
Phthalates, Total	0.430	0.860

(b) Conventional pollutants. (i) CBOD, TSS AND NH₃-N. The POTW treatment plant has a capacity to treat specific waste load concentrations and mass amounts of the conventional pollutants Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), and Ammonia reported as Nitrogen (NH₃-N). If a user discharges concentrations of these conventional pollutants in excess of the concentration values listed as criteria to protect the POTW treatment plant influent in section (5)(a) of this section, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for any of the conventional pollutants CBOD, TSS, and/or NH₃-N may be subject to a surcharge. The formula for calculation of this surcharge is listed in § 18-205(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for CBOD, TSS and/or NH₃-N on the discharge by a user if the user's

discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) "Free" oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants. "Free" and "emulsified" oil and grease shall be differentiated based on the following procedure. One aliquot of sample shall be extracted with n-hexane in accordance with the procedures established at 40 CFR Part 136, Method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "free" oil and grease. A second aliquot of sample shall be prepared in accordance with the procedures established at 40 CFR Part 136, Method 1664 including the adding of acid and heating until any emulsion breaks prior to the extraction. The sample shall then be extracted with n-hexane in accordance with the procedures established at 40 CFR Part 136, Method 1664. The result of this analysis will be considered "total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "total" and "free" oil and grease.

If a user discharges concentrations of "free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for "free" oil and grease, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in section (5)(a) of this section for "free" oil and grease may be subject to a surcharge. The formula for this surcharge is listed in § 18-205(4) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "free" oil and grease or "total" oil and grease on the discharge by a user if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(6) State requirements. State requirements and limitations on discharges by users shall apply in any case where they are more stringent than EPA requirements and limitations or those in section (4)(b) of this section.

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

(8) 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 categorical pretreatment standards, or in any other pollutant-

specific limitation developed by the state or listed in section (4)(b) of this section. Mixing of waste streams may be an acceptable means of complying with some of the prohibitions set forth in section (1) of this section, including pH prohibition.

(9) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the 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 chapter shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the control authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The user shall sample and analyze for those parameters for which limitations were violated within 48 hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority.

Within five (5) days following an accidental 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 chapter or other applicable law.

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 an accidental discharge of prohibited materials or other substances regulated by this chapter. Users shall insure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(10) Connection to public sewers. (a) Requirements for proper wastewater disposal.

(i) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage or other objectionable waste.

(ii) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other

polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(iii) 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.

(iv) Except as provided in § 18-204(10)(a)(v), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the owners' property.

(v) The owner of a manufacturing facility may discharge wastewater directly to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Act, the NPDES permit and any other applicable local, state or federal statutes and regulations.

(vi) Where a public sanitary sewer is not available under the provisions of § 18-204(10)(a)(v), the building sewer shall be connected to a private sewage disposal system complying with the provisions of state laws and regulations governing private sewage disposal systems.

(b) Physical connection public sewer. (i) All costs and expenses incident to the installation, connection and inspection of building sewers shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(ii) 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 building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(iii) Old building sewers may be used in connection with a new building only when they meet all requirements of this chapter. All others must be replaced in accordance with the requirements of this chapter.

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

(A) The minimum size of a building sewer for connection of residual users to the POTW shall be four (4) inches.

(B) The minimum size of a building sewer for connection of commercial, institutional and industrial users to the POTW shall be six (6) inches.

(C) The minimum depth of cover above a building sewer shall be eighteen (18) inches.

(D) Four (4) inch building sewers shall be laid on a grade greater than 1/4-inch per foot. Six (6) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 3.0 feet per second.

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

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

(G) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the connection onto the POTW collector sewer line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and 45 degree bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

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

approved by the control authority. All such connections shall be made gastight and watertight.

(I) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-204(10)(b)(iv)(D) of this section from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a grinder pump furnished and installed by the city and discharged to the building sewer. Power to operate the grinder pump shall be provided by and at the expense of the user.

(J) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in ASTM Standard D 2321 and Water Environment Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

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

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

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

(c) Inspection of connections. Reserved.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on the user's property to insure that the building sewer remains watertight. This maintenance will include repair or replacement of the building

sewer as deemed necessary by the control authority to meet the requirements of this chapter. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW are identified on building sewers on the user's property, the control authority may notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the user.

(11) Prohibitions on storm drainage and groundwater. Storm water, groundwater, rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage if unpolluted shall not be discharged to the POTW.

(12) Unpolluted water. Unpolluted water, including, but not limited to non-contact cooling water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit.

(13) Limitations on the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. 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. This provision shall not apply to domestic residences.

(14) Limitations on 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 he deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor.

(15) Septic tank pumping, hauling, and discharge. The control authority shall designate the locations and times where trucks hauling septic tank pumpage may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment plant or any sewer line or appurtenance thereto.

(16) On-site private wastewater disposal facilities. Persons shall not discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cesspools 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 of the

property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities within the service area of the city shall be in accordance with state requirements.

(17) Regulation of oil and grease discharge from commercial kitchens. Oil and grease discharge from commercial kitchens shall be subject to the following rules and regulations:

(a) Applicability and schedule for compliance. All existing and new establishments with commercial kitchens including restaurants, hospitals, schools, nursing homes, and grocery and convenience stores shall install and maintain oil and grease interceptor tanks in accordance with the provisions of section (17) of this section. All new establishments subject to the requirements of this section shall provide evidence in the form of oil and grease interceptor tank construction drawings, plumbing drawings, and projected oil and grease laden flows to the control authority that all provisions of this section will be met prior to issuance by the control authority of a permit to connect any drain lines from the establishment to the POTW. All existing establishments subject to the requirements of this section shall construct any necessary plumbing modifications and install oil and grease interceptor tanks in strict compliance with all provisions of this section or, at the discretion of the control authority, provide a report prepared by an engineer registered by the state describing what existing conditions prevent strict compliance with all provisions of this section and recommendations for plumbing modifications and/or installation of oil and grease interceptor tanks that will provide compliance with the intentions of this section all in a form acceptable to the control authority. All existing establishments subject to the requirements of this section shall construct all plumbing modifications and/or install oil and grease interceptor tanks in strict compliance with the requirements of this section or as approved by the manager within 180 days following the adoption of this chapter.

(b) Waste lines connected to oil and grease interceptor tanks. The drain lines from the pre-rinse sink, pot sink and floor drains shall be connected to the oil and grease interceptor tank. Drain lines from dishwashers and garbage grinders may be connected to the oil and grease interceptor tank, provided that the oil and grease interceptor tank is sized for use in conjunction with the discharge from dishwashers and/or garbage grinders. The building sewer draining the oil and grease interceptor tank may be separate from the building sewer draining waste lines from sources prohibited from connection to the oil and grease interceptor tank.

(c) Waste lines prohibited from connection to oil and grease interceptor tanks. Sanitary drains from bathrooms, utility sinks, water closets, showers, lavatories, urinals, and floor drains in spaces other than commercial kitchens in new establishments subject to the requirements

of section (17) of this section shall not be connected to oil and grease interceptor tanks. Any drain line transporting stormwater shall not be connected to oil and grease interceptor tanks.

(d) Oil and grease interceptor tank design criteria. Oil and grease interceptor tanks shall have a 1000-gallon minimum volume and a minimum of two compartments separated by a baffle. Standard 1000-gallon precast concrete septic tanks are acceptable as oil and grease interceptor tanks. Precast concrete septic tanks used as oil and grease interceptor tanks or field-constructed oil and grease interceptor tanks shall be designed in accordance with Rules of the Department of Environment and Conservation. Chapter 1200-1-6, "Regulations to Govern Subsurface Sewage Disposal Systems."

All existing establishments with commercial kitchens shall install a 1000-gallon oil and grease interceptor tank unless a waiver is granted by the control authority.

All new establishments with commercial kitchens shall install oil and grease interceptor tanks in accordance with the following requirements. New restaurants utilizing disposal tableware as their sole type of tableware shall install a 1000-gallon oil and grease interceptor tank. All other new establishments with commercial kitchens shall install oil and grease interceptor tanks with volume calculated utilizing the following formula:

$$V = N \times G \times S \times H \times LF$$

Where:

V = Oil and grease interceptor tank total volume expressed in gallons.

N = Number of seats in dining area for restaurants.

= Number of meals served per day for hospital, nursing home and schools.

G = Wastewater produced per meal expressed in gallons.

= 5.0 for restaurants.

= 4.5 for hospitals, nursing homes and schools.

S = Storage capacity factor (dimensionless) = 1.7

H = Number of hours per day open for business for restaurants 2.5 for hospitals, nursing homes and schools.

LF = Load factor

- = 1.25 if dishwasher and garbage grinder are connected to the oil and grease interceptor.
- = 1.00 if dishwasher but not garbage grinder is connected to the oil and grease interceptor.
- = 0.75 if the garbage grinder but not the dishwasher is connected to the oil and grease interceptor.
- = 0.50 if neither the dishwasher nor garbage grinder are connected to the oil and grease interceptor.

When the calculated volume for an oil and grease interceptor tank exceeds 1000 gallons, multiple 1000-gallon precast concrete septic tank units piped in series or a large field-constructed concrete tank with a baffle separating it into two compartments may be used. Oil and grease interceptor tanks shall be buried with access provided to all compartments for cleaning and inspection. Each compartment shall be fitted with a hatch sized and located to allow the visual determination of the thickness of the oil and grease layer in each compartment. Oil and grease interceptor tanks shall be placed in a location between the commercial kitchen and POTW sewer collector line that is easily accessible for inspection, cleaning and maintenance.

(e) Oil and grease discharge management. Oil and grease interceptor tanks shall be thoroughly cleaned when the layer of oil and grease on top of the liquid in the tank reaches a depth which allows coalesced oil and grease to escape from the tank. All oil and grease interceptor tanks shall be cleaned at intervals established by the control authority, but no less than once every three months. Users utilizing oil and grease interceptor tanks shall obtain written and dated certification from the company cleaning the tank that the tank was completely cleaned, and the user shall maintain these certifications on file for three years.

All waste oil and grease from frying operations shall be collected in appropriate containers and removed from the establishment by a rendering company or waste oil and grease recovery company. Pouring oil or liquefied grease down a drain in a commercial kitchen is prohibited. Installation of an automatic enzyme or bacterial additive feeding system prior to oil and grease interceptor tanks may be required by the control authority. (1983 Code, § 13-204, as replaced by Ord. #232, March 2002)

18-205. Fees. (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs associated with operation, maintenance, administration, debt service and depreciation of the POTW from users of the system. The applicable charges or fees shall be set forth by the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include:

(a) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW.

(b) Fees for monitoring, inspections and surveillance procedures associated with significant industrial users;

(c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;

(d) Fees for permit applications;

(e) Fees for inspection of building sewer connections;

(f) Fees for filing appeals of enforcement actions taken by the city;

(g) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;

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

(i) Fees for disposal of septic tank and holding tank wastewater and sludges; and

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

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(3) User charge system. The control authority will establish a schedule of charges and fees which will generate annual revenues sufficient to maintain compliance with the requirements of the Tennessee Code Annotated, § 66-221-1010, as amended, as it relates to publicly owned wastewater systems.

(4) Surcharge fees. If a user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants CBOD, TSS, NH₃-N, and/or free oil and grease in § 18-204(5)(a) of this chapter, additional operation and maintenance costs may be incurred by the city. Therefore, any user who discharges in excess of the limits for any of these parameters may be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

Base Sewer Bill for Monthly Usage	x	Actual Monthly Average of <u>Parameter</u> <u>Concentration (mg/l)</u> 24-Hour Flow Proportional Composite Sample Criteria to Protect the POTW Treatment Plant Influent	-	Base Sewer Bill for Monthly Usage
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The city also reserves the right to, at any time, place mass or concentration limits which may not be exceeded on the user's discharge of conventional pollutants if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (1983 Code, § 13-205, as replaced by Ord. #232, March 2002)

18-206. Administration. (1) Wastewater discharger permits. Reserved.
(2) Residential, commercial and institutional wastewater discharge permits. Reserved.

(3) Industrial wastewater discharge permits. (a) General. All existing industrial users shall submit a completed wastewater survey for nonresidential establishments within 90 days after the effective date of this chapter. All new industrial users shall submit an application for wastewater discharge permit as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this survey or application, and any other information requested, if the industrial user is a significant industrial user. If the industrial user is determined to be a significant industrial user, the significant industrial user shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. If the industrial user is determined not to be a significant industrial user, the industrial user will not be required to obtain an industrial wastewater discharge permit.

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

(c) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the city at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address, and location, (if different from the address);
- (ii) Classification under the North American Industrial Classification System (NAICS), 1997;
- (iii) Wastewater constituents and characteristics including, but not limited to, those listed in § 18-204(5)(a) of this chapter as determined by a reliable analytical laboratory with sampling and analysis performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the Act and found at 40 CFR, Part 136, as amended.
- (iv) Time and duration of discharge;
- (v) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer, 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 local or state pretreatment standards, or categorical 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 and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards;
- (ix) If additional pretreatment and/or operation and maintenance will be required to meet the local or state pretreatment standards or categorical pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local or state pretreatment standards or categorical pretreatment standard.

The following conditions shall apply to this schedule:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable local or state pretreatment standards or categorical 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 § 18-206(3)(c)(ix)(A) of this chapter shall exceed 9 months.

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

(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 industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Industrial wastewater discharge permit modifications. Within 9 months of the promulgation of a categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user, subject to a categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-206(3)(c) of this chapter, the significant industrial user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable categorical pretreatment standards. In addition, any user with an existing industrial wastewater discharge permit shall submit to the control authority within 180 days after the

promulgation of an applicable categorical pretreatment standard the information required by § 18-206(3)(c)(viii) and (ix) of this chapter.

(e) Industrial wastewater discharge permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, charges and fees established by the town.

Permits shall contain the following conditions:

(i) A statement of the duration of the permit, which shall not exceed five years;

(ii) A statement that the permit may not be transferred without, at a minimum, prior notification to the control authority and providing a copy of the existing industrial wastewater discharge permit to the succeeding owner;

(iii) Wastewater discharge limitations based on categorical pretreatment standards, discharge limitations listed in § 18-204(4)(b) of this chapter, and/or discharge prohibitions listed in § 18-204(4) of this chapter;

(iv) 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 POTW;

(v) Requirements for self-monitoring, sampling, reporting, notification and record keeping; including identification of the pollutants to be monitored in the wastewater discharge, the location for sampling the wastewater discharge, the frequency for sampling the wastewater discharge, and the type of samples to be collected for each pollutant to be monitored;

(vi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameters out of compliance in accordance with procedures described at 40 CFR Part 403.12(g); and/or

(vii) The applicable civil and criminal penalties for violation of provisions of the industrial wastewater discharge permit or this chapter; and

(viii) Any compliance schedule.

Permits may also contain the following:

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

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

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

(D) Requirements for notification of excessive discharges such as § 18-204(8) of this chapter.

(E) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(f) Industrial wastewater discharge permit duration. Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than five years 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 significant industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements as identified in § 18-204 of this chapter 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 change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Industrial wastewater discharge permit transfer. Industrial wastewater discharge permits are issued to a specific significant industrial user for a specific operation. An industrial 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 the approval of the control authority. Any succeeding owner or significant industrial user shall also comply with the terms and conditions of the existing industrial wastewater discharge permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within 90 days following the date for final compliance with applicable local or state pretreatment standards or categorical 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 local or state pretreatment standards or categorical pretreatment standards, shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local or state pretreatment standards or categorical pretreatment standards, and the average and maximum daily flow for these process units in the significant industrial user's facility which are limited by such local or state pretreatment standards or categorical pretreatment standards. The report shall state whether the applicable local or state pretreatment standards or categorical pretreatment standard are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to

bring the significant industrial user into compliance with the applicable local or state pretreatment standards or categorical pretreatment standards. This statement shall be signed by an authorized representative of the significant industrial user, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any significant industrial user subject to a local or state pretreatment standard or categorical 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 by the last day of the months of March and September, unless required more frequently by the local or state pretreatment standard or categorical pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local or state pretreatment standards or categorical pretreatment standards. 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. In addition, this report shall include a record of average and maximum daily wastewater discharge flows if the measurement of wastewater discharge flow is not based upon water meter readings. The flow on the date of the sampling shall also be reported. All parameters listed on the industrial wastewater discharge permit as having a wastewater discharge limitation must be sampled and analyzed. All reports submitted by the significant industrial user must include the certification described at 40 CFR 403.6(a)(2)(ii) and must bear the signature of an authorized representative of the significant industrial user pursuant to requirements found at 40 CFR 403.12(1). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The control authority may impose mass limitations on significant industrial users which are using unauthorized dilution to meet applicable local or state pretreatment standards or categorical pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases the report described in § 18-206(3)(h)(ii)(A) of this chapter 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 analyses 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 local or state pretreatment standard or categorical pretreatment standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and described at 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with the requirements found at 40 CFR Part 403.12(b)(5) and techniques approved by the control authority.

(i) Monitoring facilities. The control authority may require to be provided and operated 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. Monitoring facility should normally be situated on the significant industrial user's premises, but the control authority may, when such a 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. Where required by the control authority, construction of monitoring facilities shall be completed within 90 days following written notification by the control authority.

(j) Inspection and sampling. Industrial users shall allow the control authority 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 industrial user's property, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their

premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the control authority, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The control authority shall inspect the facilities of any significant industrial user at least one time each year to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

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

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

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

Information which is accepted by the control authority as confidential and determined by EPA as non-confidential pursuant to the determination process described in 40 CFR Part 2 shall not be transmitted to the general public by the control authority until and unless a ten-day notification is given to the industrial user. (1983 Code, § 13-206, as replaced by Ord. #232, March 2002)

18-207. Enforcement. (1) Administrative enforcement remedies.

(a) Notification of violation. Whenever the control authority finds that any user has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the control authority may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to § 18-207(1)(d).

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

(d) Compliance order. When the control authority finds that a user has violated or continues to violate this chapter, an industrial wastewater discharge permit or order issued hereunder, the city may issue an order to the user responsible for the discharge directing that,

following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

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

(i) Comply forthwith; and/or

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

(f) Civil penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provisions of this chapter, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall utilize such other collection remedies as available to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Users desiring to dispute the assessment of such penalties must file a request for the city to reconsider the penalty within 10 days of being notified of the penalty. Where the city believes a request has merit, the control authority shall convene a hearing on the matter within 15 days of receiving the request from the user.

(g) Emergency suspensions. (i) The city may suspend the wastewater treatment service and/or industrial wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(ii) Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection,

to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in § 18-207(1)(h) of this chapter are initiated against the user.

(iii) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW prior to the date of the hearing described in § 18-207(1)(c) of this chapter.

(h) Termination of industrial wastewater discharge permit. Significant industrial users proposing to discharge into the POTW, must first obtain an industrial wastewater discharge permit from the city. Any significant industrial user who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

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

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

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

(a) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or an industrial discharge permit or an order issued hereunder, the city, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(b) Civil penalties. (i) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the city for a civil penalty of up to \$10,000.00,

plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(ii) The city shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, the economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal prosecution. Pursuant to Tennessee Code Annotated, § 69-3-115(4)(c), as amended, violators will be prosecuted for a Class E Felony and punished by a fine of not more than \$25,000.00 or incarceration, or both, as provided therein.

(3) Annual publication of significant violations. The city shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those significant industrial users which are found to be in significant noncompliance, as defined in § 18-202(37) of this chapter, with any provisions of this chapter or industrial wastewater discharge permit or order issued hereunder during the period since the previous publication.

(4) Affirmative upsets. (a) Treatment upsets. (i) An "upset" is defined for the purposes of this chapter as an exceptional incident in which there is unintentional and temporary noncompliance with the provisions of this chapter or an industrial wastewater discharge permit because of factors beyond the reasonable control of the user. Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control within 24 hours after becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

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

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

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

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

(b) Treatment bypasses. A "bypass" is defined for the purposes of this chapter as the intentional diversion of wastewaters from the pretreatment facilities of a significant industrial user.

(i) A bypass of the significant industrial user's pretreatment system is prohibited unless all of the following conditions are met:

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

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

(C) The user properly notified the control authority, as required under § 18-207(4)(b)(ii) of this chapter.

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

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a bypass must submit notice to the control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-207(4)(b)(i) of this chapter. (1983 Code, § 13-207, as replaced by Ord. #232, March 2002)

18-208--18-210. These sections were deleted by Ord. #232, March 2002.

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

18-301. 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. (1983 Code, § 8-301)

18-302. 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. (1983 Code, § 8-302)

18-303. 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. (1983 Code, § 8-303)

18-304. 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. (1983 Code, § 8-304)

18-305. 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. (1983 Code, § 8-305)

18-306. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1983 Code, § 8-306)

18-307. 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. (1983 Code, § 8-307)

18-308. 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 § 18-302, or the agent of the owner to provide such facilities. (1983 Code, § 8-308)

18-309. 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. (1983 Code, § 8-309)

18-310. 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. (1983 Code, § 8-310)

18-311. 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. (1983 Code, § 8-311)

18-312. 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, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1983 Code, § 8-312)

18-313. 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. (1983 Code, § 8-313)

18-314. 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. (1983 Code, § 8-314)

18-315. 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. (1983 Code, § 8-315)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. 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 for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

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. (1983 Code, § 8-401)

18-402. Standards. The city public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1983 Code, § 8-402)

18-403. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of waterworks of the city. (1983 Code, § 8-403)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1983 Code, § 8-404)

18-405. Inspections required. It shall be the duty of the superintendent of the waterworks 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 reinspection, based on potential health hazards involved, shall be established by the superintendent of waterworks and as approved by the Tennessee Department of Health. (1983 Code, § 8-405)

18-406. Right of entry for inspections. The superintendent of waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish 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. (1983 Code, § 8-406)

18-407. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of waterworks.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the superintendent of the waterworks shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1983 Code, § 8-407)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.
(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the waterworks of the city or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the

superintendent of the waterworks 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.

Personnel of the city public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the 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 it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the 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 superintendent shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the waterworks.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of the waterworks. (1983 Code, § 8-408)

18-409. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1983 Code, § 8-409)

18-410. Violations. The requirements contained herein shall apply to all premises served by the municipal water system whether located inside or

outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1983 Code, § 8-410)