

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water 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 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 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 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 service will be required to sign a standard form of contract at least five (5) working days 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 said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in

accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service 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 used. (1983 Code, § 13-105)

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

Before a new service line is laid by the city, the applicant shall pay the following fees:

(1) One hundred seventy dollars (\$170.00) for a three-fourths inch (3/4") tapping permit inside the corporate limits and three hundred forty dollars (\$340.00) for a three-fourths inch (3/4") tapping permit outside the corporate limits; plus the cost of material used for lines laid to private property line including meter setter, water meter, and meter box with all other material used.

(2) Two hundred dollars (\$200.00) for a one inch (1") tapping permit inside the corporate limits and four hundred dollars (\$400.00) for a one inch (1") permit outside the corporate limits; plus the cost of material used for lines laid to private property line including meter setter, water meter, and meter box with all other material used.

(3) Two hundred fifty dollars (\$250.00) for a two inch (2") tapping permit inside the corporate limits and five hundred dollars (\$500.00) for a two inch (2") tapping permit outside the corporate limits; plus the cost of material used for lines laid to private property line including meter setter, water meter, and meter box with all other material used.

In addition, there shall be a fifty dollar (\$50.00) deposit required for each meter used, which deposit shall be refunded upon termination of service and payment of all charges due the city by the customer.

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 shall belong to and be the responsibility of the customer.

From time to time, the city council sets the charges and fees for water, sewer, trash collection, or deposit on meters by either appropriate ordinance or resolution. (1983 Code, § 13-106, as amended by Ord. #91-39, Sept. 1991, and replaced by Ord. #2001-116, July 2001)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas

where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The city shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the city, at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (1983 Code, § 13-107)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement-lined cast iron pipe, class 150 American Water Works Association Standard, 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 500 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 two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by city forces or by other forces working directly under the supervision of the city.

Upon completion of such extensions and their approval by the city, such water 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 municipal water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the city shall repay to the person or persons paying the cost of such water main extension, for a period of five (5) years, but no longer,

from the date of completion of said extension the sum of \$50.00 for each connection that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided, also, that before making any such payment the city shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the city, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1983 Code, § 13-108)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the city council is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the city council.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1983 Code, § 13-109)

18-110. 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)

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

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

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

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

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

If such test 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)

18-112. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city. (1983 Code, § 13-113)

18-113. Billing. The monthly water service charge may be billed to the customer and user thereof with the monthly electric, sewage, and garbage bill.

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

The water bill shall advise the customer that his service may be discontinued if the bill is not paid on or before ten 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 a 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.

Should a customer remain in default of payment of his monthly water bill for as much as 20 days, then water service to such customer shall be discontinued and a penalty of 10% shall be added to the total charge, plus other charges as provided by municipal code. (1983 Code, § 13-114)

18-114. Discontinuance or refusal of service. The city shall have the right to discontinue 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.

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)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of fifty dollars (\$50.00) shall be collected by the city before service is restored. (Ord. #96-72, May 1996, as replaced by Ord. #2004-139, June 2004)

18-116. 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 such 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)

18-117. 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)

18-118. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the 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)

18-119. 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 properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, 13-120)

18-120. Customer's responsibility for violations. Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1983 Code, § 13-121)

18-121. 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)

18-122. 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)

18-123. 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)

18-124. 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)

18-125. 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)

18-126. 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)

18-127. Interruption of service. The city will endeavor to furnish continuous water 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 system, 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)

18-128. Schedule of rates. All water furnished by the city shall be measured or estimated in gallons to the nearest multiple of 10 and shall be furnished under the rates:

Per month, inside corporate limits - \$10.80 per month minimum rate up to 2,000 gallons of water used; \$.20 per 100 gallons for the next 3,000 gallons (from 2,001 through 5,000); \$.17 per 100 gallons for all over 5,001 gallons of water, plus capital improvement fee of \$3.50 plus sales tax as provided by law.

Per month, outside corporate limits - charges same as inside corporate limits plus \$1.50 monthly charge for out-of-town customer (minimum monthly charge for out-of-town customer shall be \$12.30 plus sales tax).

The foregoing schedule of rates and charges shall apply only to single dwellings or commercial units. Where two or more dwelling units are served from a common meter, such as an apartment building, the total monthly consumption shall be divided between the number of dwelling units serviced, for computation of applicable brackets, and each dwelling unit served will be computed according to the foregoing schedule.

The minimum charge shall apply to each dwelling unit served.

The charges and rates to be made against any industry requiring a minimum of 1,000,000 gallons of water per month may negotiate its rate with the city council.

From time to time, the city council sets the charges and fees for water, sewer, trash collection, or deposit on meters by either appropriate ordinance or resolution.(1983 Code, § 13-112, as replaced by Ord. #2001-118, July 2001, and Ord. #2002-121, April 2002)

CHAPTER 2

WATER MAINS AND FIRE PLUGS¹

SECTION

18-201. Standards and specifications.

18-202. General application of this chapter.

18-203. Violations and penalties.

18-201. Standards and specifications. The State Inspection Bureau standards and specifications for the construction of water mains and installation of fire plugs within the corporate limits shall be applicable to all water mains and fire plugs installed by the City of Dyer and any utility district authorized to service water customers within the City of Dyer. Provided, however, the minimum specifications for the installation of water mains shall be six-inch (6") cast iron water mains, and fire plugs installed thereon shall not be in excess of five hundred (500) feet from the nearest residence. (1983 Code, § 13-201)

18-202. General application of this chapter. The requirements for the installation of fire plugs shall be applicable to all installed by the City of Dyer or by any utility district within the corporate limits of the City of Dyer. Any lines constructed by the City of Dyer and any fire plugs installed thereon by the City of Dyer shall be at the expense of the City of Dyer, and any lines that any utility district is authorized to install and any fire plugs installed thereon by said utility district shall be at the expense of the utility district; and such lines and fire plugs shall remain the property of the respective parties; but the City of Dyer shall have the right to use said fire plugs for the purpose of combating fires in those areas within the corporate limits serviced by any utility district. (1983 Code, § 13-202)

18-203. Violations and penalties. Any person, firm, corporation, or governmental entity found in violation of this chapter shall be punishable under the general penalty clause of this code. (1983 Code, § 13-203)

¹Municipal code references

Building and plumbing codes: title 12.

Fire code: title 7.

CHAPTER 3

SEWERS¹

SECTION

- 18-301. Use of system regulated.
- 18-302. Permit and supervision required for connecting to system.
- 18-303. Connection fees.
- 18-304. Installation of lateral lines, etc.
- 18-305. Sewer service charges.
- 18-306. Extension policies.

18-301. Use of system regulated. All persons using, desiring, or required to use the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the city council. (1983 Code, § 13-301)

18-302. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the city recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1983 Code, § 13-302)

18-303. Connection fees. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city recorder the following sewer connection fees:

(1) One hundred seventy-five dollars for a four inch (4") tapping permit inside the corporate limits and three hundred fifty dollars for a four inch (4") outside the corporate limits; plus the cost of all material used for lines laid to private property line.

(2) Three hundred fifty dollars for a six inch (6") tapping permit inside the corporate limits and seven hundred dollars for a six inch (6") outside the corporate limits plus the cost of all material used for lines laid to private property line.

From time to time, the city council sets the charges and fees for sewer collection by either appropriate ordinance or resolution. (1983 Code, § 13-303, as amended by Ord. #91-40, Sept. 1991, and replaced by Ord. #2001-117, July 2001)

¹Municipal code references

Plumbing provisions: title 12.

Sewers and sewage disposal: title 18, chapter 4.

18-304. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted, the city shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the city council and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1983 Code, § 13-304)

18-305. Sewer service charges. Sewer service charges shall be collected from the persons billed for water services to any premises with an accessible sanitary sewer at the rate set forth in the following schedule:

Per month, inside corporate limits - \$10.80 per month minimum rate up to 2,000 gallons of water metered; \$.20 per 100 gallons of water metered for the next 3,000 gallons (from 2,001 through 5,000); \$.17 per 100 gallons of water metered for all over 5,000 gallons.

Per month, outside corporate limits - charges same as inside corporate limits plus \$1.50 monthly charge for out-of-town customer (minimum monthly charge for out-of-town customer shall be \$12.30).

All industrial and commercial users of the system shall be subject to negotiation provided in the sewer use ordinance (this title, chapter 4).

The sewer water charges shall be collected as a unit and no municipal employee shall accept a payment of water service charges from any customer without receiving at the same time, payment of all sewer services charges owed by such customer. Water service may be disconnected for non-payment of the combined bill.

From time to time, the city council sets the charges and fees for water, sewer, trash collection, or deposit on meters by either appropriate ordinance or resolution. (1983 Code, § 13-305, as replaced by Ord. #2001-119, July 2001, and Ord. #2002-122, April 2002)

18-306. Extension policies. Insofar as practicable, the various policies set forth in chapter 1 of this title with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six-inch cement-lined cast iron pipe is specified for water purposes, an eight-inch pipe of salt glazed vitrified clay or other construction approved by the city council shall be substituted for sewer purposes. (1983 Code, § 13-306)

CHAPTER 4

SEWERS AND SEWAGE DISPOSAL

SECTION

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18-401. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Dyer, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system's operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements or will cause physical damage to the wastewater treatment system;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Dyer to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations.
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Dyer must have adequate wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Dyer, Tennessee, and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided herein, the water and sewer superintendent of the City of Dyer shall administer, implement, and enforce the provisions of this chapter. (1983 Code, § 8-301)

18-402. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter, shall have the meanings hereinafter designated:

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

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

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

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

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

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

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

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned treatment works.

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

(7) "City." The City of Dyer or the city council, City of Dyer, Tennessee.

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

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

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

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

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

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

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

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

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

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

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

(21) "Interference." The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

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

(23) "NPDES (Natural Pollutant Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

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

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

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

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

(29) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

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

(31) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

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

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

(34) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the

average twenty-four (24) hour concentration of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State." State of Tennessee.

(36) "Standard industrial classification (SIC)." A classification pursuant to the standard industrial classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

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

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

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

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

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

(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, whether treated or untreated which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems." Defined the same as POTW.

(46) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, and natural or artificial public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1983 Code, § 8-302)

18-403. Requirements for proper wastewater disposal. (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Dyer, any human or animal excrement, garbage, or other objectionable waste.

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

(3) Except as hereinafter provided, it shall be unlawful to construct any privately owned and operated facility or system for sewage treatment and disposal.

(4) Except as provided in subsection (5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

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

(6) Where a public sanitary sewer is not available under the provisions of subsection (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 18-407 and 18-408 of this chapter. (1983 Code, § 8-303)

18-404. Physical connection to public sanitary sewers. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by §§ 18-413--18-415 of this chapter.

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

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

from the front building may be extended to the rear building and the whole considered as one building sewer. Provided, however, that in no case shall the building sewer from the front building to the public sanitary sewer be less than six (6) inches in diameter.

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

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

(a) The minimum size of a building sewer shall be four (4) inches.

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

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger sewers shall be laid on a grade that will produce a velocity when flowing full at least 2.0 feet per second.

(d) All building sewers shall be constructed on a straight alignment and constant grade from the building drain to the public sanitary sewer, or in between cleanouts.

(e) Building sewers shall be constructed only of:

(i) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(ii) Cast iron soil pipe with leaded or compression joints;

(iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(iv) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(v) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five feet outside the building on the building sewer and where it connects with the public sanitary sewer system. Also, cleanouts shall be placed at each change of direction, each change of grade, intervals not greater than 75 feet apart on building sewers of 4 inch nominal diameter, and not more than 100 feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level of the ground directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches in diameter.

(g) Connections of building sewers to the public sanitary sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where an existing wye or tee branches are not available, connections of building sewers shall be made by either

removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sanitary sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(h) In cases where the building sewer, when extended to the building drain from the public sanitary sewer in accordance with the grades specified above, and the end of the building sewer is above the building drain, the sanitary sewage from the building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner. Also, at the expense of the owner, shall be provided check valves or other backflow prevention devices to protect the building from flooding from the public sanitary sewer.

(i) 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 to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

(6) 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.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway 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. (1983 Code, § 8-304)

18-405. Inspection of connections. (1) The sewer connection and all of the building sewer from the building to the public sanitary sewer shall be inspected by the superintendent or his authorized representative before the underground portion is covered.

(2) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the superintendent or his representative. (1983 Code, § 8-305)

18-406. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on his private property. This maintenance will

include repair or replacement of the building sewer as deemed necessary by the superintendent to meet the city's requirements. (1983 Code, § 8-306)

18-407. Availability of public sewers. Where a public sanitary sewer is not available under the provisions of § 18-403(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this and succeeding sections. Provided however, that when a public sanitary sewer becomes available, the building sewer shall be connected to said sewers within sixty (60) days after date of official notice to do so. (1983 Code, § 8-307)

18-408. Requirements for private domestic wastewater disposal systems. (1) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half (1/2) acre.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the superintendent. The owner shall supply any plans, specifications, and other information as are deemed necessary.

(3) A private sewage disposal system shall not be placed in operation until the operation is completed to the satisfaction of the superintendent. He or his representative shall be allowed to inspect the work at any stage of construction and in any event, the owner shall notify the superintendent when the work is ready for the final inspection, and before any under ground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice.

(4) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee. No private sewage disposal system shall be permitted to discharge to any natural outlet.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the City of Dyer. (1983 Code, § 8-308)

18-409. Permit for septic tank cleaners. No person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation desiring a permit to perform such services shall file an application

on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. (1983 Code, § 8-309)

18-410. Fees. For each permit issued under the provisions of this chapter, an annual service charge therefor shall be paid to the city to be set as specified in §§ 18-440--18-448. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of the motor vehicle used in the conduct of the business permitted hereunder. (1983 Code, § 8-310)

18-411. Designated disposal locations for septic tank equipment. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association, or corporation to empty or clean such equipment at any place other than a place so designated. No person nor any other person operating at their direction, shall discharge any incompatible or toxic waste into any portion of the disposal system.

No person, firm, association, or corporation nor any other person operating at their direction, shall discharge any incompatible or toxic waste into any portion of the disposal system. (1983 Code, § 8-311)

18-412. Revocation of permit for septic tank cleaners. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Dyer. (1983 Code, § 8-312)

18-413. Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the POTW. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the public sanitary sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with

§§ 18-403--18-406 of this chapter, and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time. (1983 Code, § 8-313)

18-414. Industrial wastewater discharge permits. (1) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall within 180 days after the effective date of this chapter meet all requirements of the chapter.

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

(a) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(b) The application shall be in the prescribed form for the city and shall include, but not be limited to, the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location, and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications, and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are

approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(d) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date of this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by §§ 18-416--18-422 of this chapter.

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

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

(g) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

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

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

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements and equalization;

(d) Requirements for installation and maintenance of inspections and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(f) Compliance schedules;

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

(h) Requirements for maintaining and retaining plant records related to wastewater discharge as specified by the city, and affording city access thereto;

(i) Requirements for notification of the city of any new introduction of wastewater discharge or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharge;

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

(4) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (2)(b) and (2)(c). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 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.

(5) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to expiration of the user's existing permit.

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

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

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

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

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Intentional failure of the user accurately to report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics. (1983 Code, § 8-314)

18-415. Confidential information. All information and data on a user obtaining from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for uses related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1983 Code, § 8-315)

18-416. 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 and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

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

point in the system), be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides and any other substances which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

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

(3) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans 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. 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 or would require unusual maintenance and repair to the POTW.

(5) 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 or reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

(6) Any substance which will cause the POTW to violate the NPDES permit or the receiving water quality standards.

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

(8) 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).

(9) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

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

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

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

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

(14) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet. (1983 Code, § 8-316, as amended by Ord. #98-92, Jan. 1998)

18-417. Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies, involving the appropriate offices of the Tennessee Department of Health, to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

PLANT PROTECTION CRITERIA

Parameter	Mo./Avg. mg/l	Daily maximum mg/l
Aluminum		
dissolved (A1)	**	3.0
Antimony (SB)	**	1.0
Arsenic (AS)	**	0.06
Barium (Ba)	**	**
Boron (B)	**	0.43
Cadmium (cd)	0.000012	0.0015
Chromium Hex	0.001	0.07
Chromium Trivalent	0.2	2.2
Cobalt (Co)	**	0.03
Copper (Cu)	0.015	0.25
Cyanide (CN)	**	0.007
Fluoride (F)	**	0.60
Iron (Fe)	**	3.0
Lead (Pb)	**	0.004
Manganese (Mn)	**	0.11
Mercury (Hg)	**	0.00004
Nickle (Ni)	0.056	1.1
Pesticides &		
Herbicides	**	0.001
Phenols	**	1.0
Selenium (Se)	**	0.01
Silver (Ag)	**	0.002
Sulfide	**	**
Zinc (Zn)	0.047	0.18
Total Kjeldahl	**	**
Nitrogen	**	**
Oil & Grease	**	**
MBAS	**	5.0
BOD		*
COD		*
Suspended Solids		*

*Not to exceed the design capacity of treatment works.

**As categorical standards of criteria are needed or as individual standards are established and approved by the state and federal authorities, City of Dyer will adopt. (1983 Code, § 8-317)

18-418. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12. (1983 Code, § 8-318)

18-419. Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency. (1983 Code, § 8-319)

18-420. Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (1983 Code, § 8-320)

18-421. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-414 and 18-417 of this chapter. Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

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

(2) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if expected, will not:

(a) Interfere with the normal collection and operation of the wastewater treatment system.

(b) Limit the sludge management alternatives available or increase the cost of providing adequate sludge treatment.

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

The user must show that the exception, if granted, will not cause the discharger to violate its enforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

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

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

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

(a) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-416 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

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

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

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

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

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

(g) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality of wastewater discharge. (1983 Code, § 8-321)

18-422. Accidental discharge. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck or rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities, establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

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

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the

superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damages to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

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

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1983 Code, § 8-322)

18-423. Monitoring facilities for industrial users. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be manhole or other suitable facility approved by the superintendent.

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

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

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

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

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, a monitoring

facility is required, he shall notify the user in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent. (1983 Code, § 8-323)

18-424. Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representative shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment. (1983 Code, § 8-324)

18-425. Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concern ration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional. (1983 Code, § 8-325)

18-426. Periodic compliance reports. (1) Any user subject to a pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, report indicating the nature

and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(3) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent. (1983 Code, § 8-326)

18-427. Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Quality Control, Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency. (1983 Code, § 8-327)

18-428. Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1983 Code, § 8-328)

18-429. Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the superintendent;
- (3) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (4) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (1983 Code, § 8-329)

18-430. Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specifications, which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order. (1983 Code, § 8-330)

18-431. Show cause hearing. (1) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show

cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(2) The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(a) Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(4) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (1983 Code, § 8-331)

18-432. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's POTW contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county. (1983 Code, § 8-332)

18-433. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interferences with POTW, the superintendent or in his absence the person then in charge of the treatment system shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably

necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected. (1983 Code, § 8-333)

18-434. Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance. (1983 Code, § 8-334)

18-435. Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer charges. (1983 Code, § 8-335)

18-436. Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to the POTW, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (1983 Code, § 8-336)

18-437. Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Dyer shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1983 Code, § 8-337)

18-438. Civil penalties. Any user who is found to have violated an order of the city council or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined in accordance with the general penalty clause for this code of ordinances. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit of law against the person found to

have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (1983 Code, § 8-338)

18-439. Falsifying information. Any person who knowingly makes false statements, representation, or certification in any application, record, plan or other document filed are required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall upon conviction be punished by a fine in accordance with the general penalty clause for this code of ordinances. (1983 Code, § 8-339)

18-440. Purpose. It is one of the purposes of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants. (1983 Code, § 8-340)

18-441. Types of charges and fees. The charges and fees are established in the city's schedule of charges and fees, may include, but not be limited to:

- (1) Inspection fee and tapping fee;
- (2) Fees for applications for discharge;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Industrial wastewater discharge permit fees;
- (6) Fees for industrial discharge monitoring; and
- (7) Other fees as the city may deem necessary to carry out the requirements of this chapter. (1983 Code, § 8-341)

18-442. Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by §§ 18-413--18-415 of this chapter. (1983 Code, § 8-342)

18-443. Inspection fee and tapping fee. An inspection fee and tapping fee for the building sewer installation shall be paid to the city's sewer department in the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the city council. (1983 Code, § 8-343)

18-444. Sewer user charges. (1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads, each class user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(2) Determination of costs. The city council shall establish monthly rates and charges for the user of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(a) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i - \frac{T.S.C.}{V_t}$$

Where:

C_i = The class total unit cost in 1,000 gallons.

T.S.C. = The total operation and maintenance, administration, and debt service determined by yearly budget projections.

V_t = The total volume of wastewater contribution of all users per year as determined from projections from one city fiscal year to the next.

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

(c) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be

responsible for documenting the quantity of waste discharge to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW is in excess of those described in, above, this being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD)

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.
(1983 Code, § 8-344)

18-445. Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (1983 Code, § 8-345)

18-446. Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with §§ 18-413--18-415 of this chapter. (1983 Code, § 8-346)

18-447. Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program. (1983 Code, § 18-347)

18-448. Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city, subject to net and gross rates. (1983 Code, § 8-348)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices.
- 18-509. Unpotable water to be labeled.
- 18-510. Violations.

18-501. 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 municipality 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)

18-502. Standards. The City of Dyer 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)

18-503. 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 water superintendent of the City of Dyer water supply. (1983 Code, § 8-403)

18-504. 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 water superintendent 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)

18-505. Inspections required. It shall be the duty of the water superintendent of the public water supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, shall be established by the water superintendent of the City of Dyer Public Water System and as approved by the Tennessee Department of Health. (1983 Code, § 8-405)

18-506. Right of entry for inspections. The water superintendent or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Dyer 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)

18-507. 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 water superintendent of the City of Dyer Public Water Supply.

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 City of Dyer Public Water Supply, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and 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)

18-508. 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 water superintendent of the City of Dyer Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective 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 water superintendent of the Public Water Supply 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 of Dyer 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 water superintendent 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 water superintendent 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 water superintendent of the City of Dyer Public Water Supply.

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 City of Dyer Public Water Supply. (1983 Code, § 8-408)

18-509. Unpotable water to be labeled. 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)

18-510. Violations. The requirements contained herein shall apply to all premises served by the City of Dyer 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 City of Dyer corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (1983 Code, § 8-410)