

**TITLE 18****WATER AND SEWERS****CHAPTER**

1. WATERWORKS AND SEWERAGE.
2. SEWER USE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. STORMWATER ORDINANCE.

**CHAPTER 1****WATERWORKS AND SEWERAGE****SECTION**

- 18-101. Powers and duties of Board of Mayor and Aldermen.  
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**18-101. Powers and duties of Board of Mayor and Aldermen.** The Board of Mayor and Aldermen of the City of Sevierville shall hereafter perform the duties heretofore required of the Board of Waterworks and Sewerage Advisory Commissioners and shall have all the rights, powers and duties heretofore granted by statute to a Board of Water and Sewerage Advisory Commissioners or Commissioners as set forth in Tennessee Code Annotated § 7-35-412. (Ord. #2005-008, May 2005)

**18-102. Establishment of Sevierville Water Department.** The Sevierville Water System which has previously operated under the direction of the Board of Waterworks and Sewerage Advisory Commissioners shall from and after the passage of this chapter, become a department of the City of Sevierville and be known of as the Sevierville Water Department and shall have all of the rights, privileges and duties of other departments within the Sevierville City Government. (Ord. #2005-008, May 2005)

**18-103. Employee benefits.** All of the employees and management of what had previously been the Sevierville Water System under the Board of Waterworks and Sewerage Advisory Commissioners, shall from and after the implementation of this chapter, become and be employees of the City of Sevierville and as such, shall be entitled to receive all benefits of City employees with the City of Sevierville having the right to substitute prior benefit plans of

the prior employees of the Sevierville Water System, to the extent practical, to benefit plans of City employees, and as City employees they shall come under the City's compensation plan. All of the aforestated employees and management shall be subject to all of the City of Sevierville personnel rules and regulations, which apply to all other City of Sevierville employees. The General Manager of the Sevierville Water System, under the Board of Waterworks and Sewerage Advisory Commissioners, shall become the department head of the new Sevierville Water Department. (Ord. #2005-008, May 2005)

**18-104. Contractual obligations.** All contractual obligations heretofore entered into by the Sevierville Water System and/or the Board of Waterworks and Sewerage Advisory Commissioners on behalf of the system, shall be and are hereby assumed as contractual obligations of the City of Sevierville. (Ord. #2005-008, May 2005)

**18-105. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as may be adopted by ordinance by the Board of Mayor and Aldermen.<sup>1</sup> (1996 Code, § 18-103)

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<sup>1</sup>Water and sewer rates ordinances are of record in the Recorder's Office.

## CHAPTER 2

### SEWER USE

#### SECTION

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**18-201. Purpose and policy.** This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Sevierville and enables the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R. part 403).

The objectives of this chapter are:

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

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Sevierville and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City

POTW shall administer, implement, and enforce the provisions of this chapter. (1996 Code, § 18-201)

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

(1) "Abbreviations." The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et. seq.*

USC - United States Code

TSS - Total Suspended Solids

(2) "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.*

(3) "Approval authority." The Department of Environment and Conservation, State of Tennessee.

(4) "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 proprietorship, respectively;

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

(5) "BOD." Denoting biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.

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

(7) "Building sewer." Shall mean the extension from the building drain to the public sewer right-of-way or easement or other place of disposal.

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

(9) "City." The City of Sevierville or the Board of Mayor and Alderman of Sevierville.

(10) "Combined sewer." Shall mean a sewer receiving both surface runoff and sewer.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the Superintendent.

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

(13) "Conventional pollutants." Shall mean those pollutants normally found.

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

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

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

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

(18) "Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

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

(20) "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).

(21) "Industrial pretreatment." Shall mean any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state and local regulations.

(22) "Industrial user." Shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act.

(23) "Industrial wastes." Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewer.

(24) "Inhibition." Shall mean any pollutant which might impair, effectively reduce, or terminate the biological process and/or biological operation of the sewage treatment plant.

(25) "Interference." The inhibition or disruption of the POTW 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 of use employed by the POTW.

(26) "Monitoring." Shall mean any method of sampling and analyzing, of industrial waste, discharge into the sanitary sewer by industrial users, employed by the City to enforce industrial pretreatment regulations.

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

(28) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act of 40 C.F.R., section 403.5.

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

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

(31) "Natural outlet." Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(32) "Pass through." Shall mean any pollutant which enters the sewage works and is not totally removed before entering the receiving stream.

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

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

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

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

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

(38) "Priority pollutants." Shall mean any of the one hundred twenty-nine (129) pollutants which affect stream quality or stream life in the receiving stream and its subsequent waters, as determined by the Environmental Protection Agency.

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

(40) "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 purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are by contract or agreement with the City, users of the City's POTW.

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

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

(43) "Receiving stream." Shall mean the natural stream or watercourse that accepts the discharge from the sewage treatment plant.

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

(45) "Sewage." Shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

(47) "Significant industrial user." Any industrial user of the City of Sevierville's wastewater disposal system that:

(a) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;

(b) Has a discharge flow greater than five percent (5%) of the total flow in the City's wastewater system;

(c) Has in its wastes any toxic pollutants as defined pursuant to section 307 of the Clean Water Act or any state statutes and rules; or

(d) Is found by the City, state control agency, or U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system.

(48) "Significant violations." Shall be those that meet one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six (6) month period exceed (by a magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

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

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

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

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

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Violations which remain uncorrected forty-five (45) days after notification of noncompliance;



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

(49) "State." State of Tennessee.

(50) "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, and as may be amended.

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

(52) "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.

(53) "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.

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

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

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

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

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

(59) "Wastewater contribution permit." As set forth in § 18-207(10) of this chapter. (1996 Code, § 18-202)

### **18-203. Use of public sewers required.**

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the boundaries of the City, or in any area under the jurisdiction of the City, any

human or animal excrement, garbage, or other objectionable waste if public sewer is available.

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

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, except in cases where the house, building or property is not connected to a public water supply, is hereby required to do one (1) of the following two (2) things, at the owner's option:

(a) At the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is available at the property line.

(b) Pay a sewer service availability charge in an amount equal to a minimum sewer charge as set by the City Council from time to time through a sewer rate ordinance. However, the owner may exercise this option if, and only if, the house, building, or property is connected to and served by an operating private sewage disposal system that meets the requirements of § 18-204, and is operated and maintained in accordance with § 18-204(4). (1996 Code, § 18-203)

**18-204. Private sewage disposal.**

(1) Where a public sewer becomes available, the building sewer shall be connected to the public sewer within ninety (90) days after date of official notice to do so, unless and except the owner of the house, building or property is qualified to exercise, and has exercised, his/her option to pay a sewer availability charge in accordance with § 18-203(4)(b).

(2) Where a public sanitary sewer is not available, or the property owner has exercised his/her option to pay a sewer availability charge, under the provisions of § 18-203(4)(b), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(3) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the general manager stating that:

(a) A public sewer is not accessible to the property and no sewer is proposed for construction in the immediate future; or

(b) That the owner of the house building or property has exercised his option to pay a sewer availability charge in accordance with § 18-203(4)(b). No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities unless the facilities and lot area meets the minimum requirements of the Sevier County Health Department.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City. Where the owner of the house, building or property has exercised his/her option to pay a sewer availability charge in accordance with § 18-203(4)(b), and the private sewage disposal system fails to operate or be maintained in a sanitary manner, the building sewer shall be connected to the public sewer within ninety (90) days of the date of an official notice to do so. (1996 Code, § 18-204)

**18-205. Building sewers and connections.**

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

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

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case the owner or his agent shall make application on a special form furnished by the City.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

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

(4) A separate and independent building sewer shall be provided for every building; except when one (1) 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 (1) building sewer.

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

(6) The size, slope, alignment, materials of construct of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and

procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

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

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in the appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

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

(11) All excavations for building sewer 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. (1996 Code, § 18-205)

#### **18-206. Use of public sewers.**

(1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described pollutants to any public sewer.

(a) Pollutants in the form of any liquids, solids or gases which by reason other nature or quantity or maybe sufficient alone or be interaction with other substances to cause fire or explosion or be injurious in anyway to the POTW, or to the operation of the POTW. At no time,

shall two (2) successive readings on an explosion hazard meter, at any point of the discharge into the system (or any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, keytones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the state or EPA has notified the user is a fire hazard to the system.

(b) Pollutants which cause corrosive structural damage to the system, but in no case discharges with a pH lower than 5.5 or higher than 9.5; nor can the pH be increased more than (1.0) per hour.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of a wastewater treatment facility 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 flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw shavings, grass clippings, rags, spent greens, spent hops, wastepaper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such a volume or strength as to cause interference to the system.

(e) Heat in amounts which will inhibit biological activity in the system resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant influent exceeds one hundred forty degrees (140°) Fahrenheit.

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

(g) Any wastewater containing any radioactive waste or concentration as may exceed limits established by the Superintendent or applicable state or federal regulations.

(4) Any person determined an industrial user shall not be regulated by regulations set forth in § 18-206 but shall also be required to adhere to all provisions established in § 18-207.

(5) All septic tank pumpers and haulers will be regulated by the statutes in this chapter. In addition all septic tank pumpers shall be required by the City to register each vehicle which will discharge loads into the sanitary sewer system.

(a) Each vehicle shall clearly have other registration displayed on both the sides and rear of the vehicle.

(b) Each vehicle shall discharge its load at the properly designated spot at the POTW only after granted permission by POTW personnel. If discharge occurs prior to approval of the POTW personnel, the driver and the driver's firm shall be fined fifty dollars (\$50.00) each for each instance.

(c) The Superintendent may refuse any waste where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance. The owner of the vehicle should provide a manifest to the POTW that states the source of the waste they wish to discharge and whether any industrial waste is included in the wastewater.

(d) Any vehicle seen discharging into any manhole in the sanitary sewer system and not at the POTW shall be fined one hundred dollars (\$100.00) and the permit shall be revoked on that vehicle. The permit may then be renewed only upon approval of the Superintendent and the City Engineer.

(e) Any citizen seeing and reporting any violation as described in subsection (c) will receive a fifty dollar (\$50.00) reward upon the apprehension of the violator.

(6) Grease, wax, oil and sand trap collectors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of harmful ingredients. Such collectors shall be of the type and capacity approved by the Superintendent, except that in no case shall it be less than one thousand (1,000) gallon capacity, and shall be located as to be readily and easily accessible for cleaning, pumping and inspection. The installation, operation and maintenance of all trap collectors shall be subject to and comply with the following:

(a) All grease traps must be Plumbing Design Institute (PDI) approved or equivalent. Precast concrete septic tanks or built in place block or concrete tanks must demonstrate to the Superintendent that adequate baffling has been installed in the tank.

(b) As a minimum, one (1) permanent baffle shall be installed and must extend to at least eighty percent (80%) of tank depth and provide for all to travel under the baffle(s). Baffles must be constructed of concrete or marine grade lumber.

(c) A manhole cover shall be provided at grade for each tank compartment or area separated by a baffle so as to provide adequate access for inspection and maintenance.

(d) The inlet and outlet pipe shall be a minimum four inch (4") diameter with a tee installed vertically inside the tank at the point of flow receiving and discharge. The discharge tee shall include piping to within twelve inches (12") of the tank floor. The invert elevation of the inlet pipe shall be six inches (6") above the invert elevation of the outlet pipe.

(e) It shall be the responsibility of each user of the sewer system required to maintain a trap collector to have it pumped whenever the level of substance to be collected reaches a level that could render the trap ineffective, as determined by the Superintendent. The use of steam or pressurized water for cleaning and maintenance is prohibited. Every establishment is required to maintain records that include as a minimum, the time and date of all cleanings, the amount and disposition of substance removed, and receipts for each tank pumping. These records must be made available for examination by the Superintendent or his representative. Failure to maintain records shall be considered a violation of this chapter.

(f) The Superintendent shall inspect, or have inspected, each trap collector at least twice annually, and the user shall pay a twenty-four dollar (\$24.00) annual inspection fee. Personnel from the wastewater department shall be permitted ready access to inspect trap collectors.

(g) Failure to comply with or adequately maintain a trap collector in accordance with any provision of this chapter, shall subject the user to enforcement action as defined in § 18-210, up to and including discontinuance of service or having the collector pumped by the City and the user being charged one and one-half (1 1/2) times the actual cost. Charges and fees will be added to the users monthly bill and collected in the same manner. (1996 Code, § 18-206)

**18-207. Use of the sewers by industrial users.**

(1) This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged to the POTW. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the City to provide efficient wastewater treatment, to protect the public health and environment, and to enable the City to meet requirements contained in its National Pollution Discharge Elimination System (NPDES) permit.

(2) The wastewater of every industrial user shall be evaluated upon the following criteria:

(a) Wastewater containing any element or compound which cannot be adequately removed by the treatment works which is known to be an environmental hazard.

(b) Wastewater causing a discoloration or any other condition in the quantity of the City's POTW treatment plant effluent such that receiving water quality requirements established by laws cannot be met.

(c) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(d) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge, or scums causing them to be unsuitable for reclamation process.

(e) Wastewater having constituents and concentrations in excess of those listed in subsection (3) below.

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

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

(b) Develop effluent limitation(s) for such user to correct the interference with the POTW.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(3) The Superintendent shall monitor the treatment works influent for each parameter in the following table, as deemed necessary. Each industrial user shall be responsible for monitoring and reporting these requirements. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the Superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the Board of Mayor and Aldermen such remedial measures as are necessary, including but not limited to recommending 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 the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

PROTECTION CRITERIA

	Daily Average Maximum Concentration Mg/l
BOD	300.0
TSS	200.0
Cadmium	0.00014
Chromium (Hexavalent)	0.006
Chromium (Trivalent)	2.8
Copper	0.05
Cyanide	0.02
Iron	10.0
Lead	0.02
Manganese	10.0
Mercury	0.0015



	<u>Daily Average Maximum Concentration Mg/l</u>
Nickel	0.6
Zinc	0.2
Oils and grease	100.0
Detergents	30.0
Phenolics	0.2
Selenium	0.01
Total toxic organics	2.13

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

(4) Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations set forth in subsection (3) above to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

(5) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(6) The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(7) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or state.

(8) Each user shall provide protection from accidental discharge of prohibited materials or other substances, regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility.

All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board or other place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(9) The City may adopt charges and fees which may include:

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

(b) Fees for monitoring, inspections and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit applications;

(e) Fees for filing appeals;

(f) Fees for consistent removal (by the City) of pollutants otherwise subject to federal pretreatment standards;

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

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

(10) All users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

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

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in subsection (3) above as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O & M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

The following conditions shall apply to this schedule:

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

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

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

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

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

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

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

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 contribution permit subject to terms and conditions provided herein.

(12) Within nine (9) months of the promulgation of national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by subsection (11) above, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of subsection (11) above.

(13) 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 average and maximum specific wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection 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 relating to wastewater discharge as specified by the City, and affording City access thereto;
- (i) Requirements for notification of the City or any new introduction of wastewater treatment system;
- (j) Requirements for notification of slug discharges as per § 18-207(2);
- (k) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(14) 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 one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in subsection (3) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(15) 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.

(16) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in case of a new source, following commencement of the introduction of wastewater into the POTW, any user

subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the 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.

(a) Any user subject to pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in subsection (11)(e). 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.

(b) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, 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 applicable 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 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(17) When required by the Superintendent, the owner of any property, serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of

the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(18) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this policy shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(19) In no case shall any exception, exemption or variance, or special agreement be granted that will violate the protection criteria. Before any exception, exemption, variance, or special agreement be granted, the industry must demonstrate good management practices. Good management practices include but are limited to preventative operating and procedures, schedule of activities, process changes, prohibiting of activities and other management practices to reduce the quality or quantity of effluent discharge and to control plant site run-off, spillage, leaks and drainage from raw material storage. (1996 Code, § 18-207)

**18-208. Protection from damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1996 Code, § 18-208)

**18-209. Powers and authority of inspection.**

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

(2) While performing the necessary work on private properties referred to in § 18-209(1) above, the Superintendent or daily 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 injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-207(8).

(3) The Superintendent and other duly authorized employees of the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1996 Code, § 18-209)

#### **18-210. Penalties.**

(1) Any person found to be violating any provision of this chapter except § 18-208 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in § 18-210(1), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

(4) The City shall be empowered with the right to disconnect any person in violation of any provision of this chapter if corrective action is not taken upon the initiation of the one thousand dollars (\$1,000.00) per day fine from sanitary sewer services in accordance with the national pretreatment regulations.

(5) The City shall annually publish in the local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The modification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1996 Code, § 18-210)



**18-211. Emergency response plan.** The Board of Waterworks and Sewage Commissioners shall develop and implement an Emergency Response Plan pursuant to 40 C.F.R. 403.8(f)(5). This plan shall contain detail procedures indicating how the POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (1) Describe how the POTW will investigate instances of noncompliance;
- (2) Describe the type of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (3) Identify the official(s) responsible for each type of response;
- (4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in sections 403.8(f)(1) and (2). (1996 Code, § 18-211)

### CHAPTER 3

#### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

##### SECTION

- 18-301. Definitions.
- 18-302. Acronyms.
- 18-303. General requirements.
- 18-304. Materials -- RPZ.
- 18-305. Installation -- RPZ.
- 18-306. Inspection -- RPZ.
- 18-307. Testing -- RPZ.
- 18-308. Cost -- RPZ.
- 18-309. General.
- 18-310. Reference documents.
- 18-311. Unpotable water to be labeled.
- 18-312. Applicability.
- 18-313. Violations.
- 18-314. Severability.
- 18-315. Repeal of inconsistent ordinances.

##### **18-301. Definitions.**

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

(2) "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 importing contamination to the public water system.

(3) "Owner." City of Sevierville Water and Sewer Department. (1996 Code, § 18-301, as replaced by Ord. #O-2013-027, Nov. 2013)

##### **18-302. Acronyms.**

- (1) BFD - backflow device
- (2) DWR - Division of Water Resources
- (3) EPA - Environmental Protection Agency
- (4) gpm - gallons per minute

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<sup>1</sup>Municipal code reference

Plumbing and related codes: title 12.

- (5) SWS - City of Sevierville Water and Sewer Department
- (6) psi - pounds per square inch
- (7) RPZ - Reduced Pressure Zone
- (8) TDEC - Tennessee Department of Environment and Conservation (1996 Code, § 18-302, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-303. General requirements.**

(1) In accordance with the Tennessee Code Annotated, and City of Sevierville Water and Sewer Department Rules and Regulations, no person shall cause a cross-connection or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of the same have been approved by the owner (City of Sevierville Water and Sewer Department).

(2) Protective devices are required to:

(a) Protect the owner's water system from contamination.

(b) Eliminate or control existing or potential cross-connections between potable and non-potable water systems.

(c) Protect the occupants or users of the water supply within the customers' premises in certain situations from in-house contamination.

(3) Protective devices will be required when the nature of use of the water supplied to a premise by the owner is such that it is deemed:

(a) Impractical to provide an effective air gap separation.

(b) That the property owner and/or occupant cannot or will not demonstrate to the owner that the water use and protective features of the plumbing are such that they pose no threat to the safety or potability of the water supply.

(c) That the nature and mode of operations within a facility are such that frequent plumbing changes are made.

(d) There is likelihood that protective measures may be subverted, altered, or disconnected (portable or temporary meters).

(e) A type of facility requiring protection as listed by the Tennessee Department of Environment and Conservation (TDEC) and/or the Environmental Protection Agency (EPA).

(f) To come into contact with chemicals or remain stagnant within the water line. Use of secondary meters to supply fire suppression systems, irrigation systems, pools, fountains, and hot tubs.

(4) Dual devices installed in parallel are required where continuous, uninterrupted service is required and there is no auxiliary service line. Refusal to install two (2) parallel devices shall constitute agreement by the property owner or occupant that the water service may be interrupted as necessary to test the device.

(5) The property owner or occupant must call the owner at (865) 453-5522 to schedule an inspection after the BFD is installed, and before

it is connected to the owner's lines and put into service. (1996 Code, § 18-303, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-304. Materials – RPZ.**

(1) A Reduced Pressure Zone (RPZ) BFD is required for protection of the water distribution system only RPZ's listed in the "Approved Backflow Prevention Assemblies" listing available through TDEC Division of Water Resources (DWR) shall be installed on the owner's water system.

(2) BFD should be of sufficient size to deliver the same gallons per minute (gpm) capacity as the water meter supplying the premises when it is installed in the main line.

(3) The RPZ device must contain two (2) spring loaded, resilient seat check valves that ensures the pressure in the zone is always at least two (2) psi lower than the inlet pressure.

(4) Devices three fourths inch through two inch (3/4" -- 2") shall have bronze bodies and three inch through ten inch (3" -- 10") shall have fusion epoxy coated bodies rated at a minimum one hundred seventy-five pounds (175 lbs) working pressure and water temperature thirty-two (32) to one hundred forty (140) degrees Fahrenheit. Contact SWS for questions regarding operating pressure before installation. Some locations may require a minimum of two hundred fifty pounds (250 lbs) working pressure.

(5) The RPZ device must be installed with either a bronze or inside and out coated fusion epoxy strainer, complete with a blow down.

(6) The device must be installed between two (2) tight-closing resilient seated, inside and outside coated fusion epoxy gate valves, or full port ball valves.

(7) Test cocks must be of bronze, stainless steel, or polymer construction. They must also be resilient seated, have full port characteristic, and be located as follows:

(a) On the upstream side of the #1 shut off valve.

(b) Between the #1 shut off valve and the #1 check valve.

(c) Between the check valves.

(d) Between the #2 check valve and the #2 shut off valve. (1996 Code, § 18-304, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-305. Installation - RPZ.**

(1) RPZs shall be installed in a location such that:

(a) The master valve (if installed) is located after the backflow.

(b) The device is located before the first use of water.

(c) The device is not installed in a way that allows it to be bypassed.

(d) The device can be easily accessed for testing on an annual basis and repaired as needed.

(e) The device is installed with at least twelve inches (12") between the ground, floor, or mulch and the bottom of the BFD.

(f) The device is installed at least six inches (6") away from walls for BFDs size two inches (2") and under and at least twelve inches (12") away from walls for BFDs over two inches (2").

(g) The device is not installed below ground or inside a pit.

(h) The device is not exposed to grit, sticky, corrosive, or abrasive substances.

(i) The device is protected from mechanical abuse, freezing, and flooding.

(j) The device is adequately supported to prevent the unit from sagging. Special supports are needed for units in the four to ten inches (4" to 10") size range.

(2) The water line shall be thoroughly flushed to expel all debris prior to installation of the BFD. Debris lodging under check valves is one of the most common reasons of device failure.

RPZ, Size 3/4" to 2" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 6" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

RPZ, Indoor Installation, Size 3" - 10" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 12" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

RPZ, Outdoor Installation, Size 3" - 10" BFD

This device must be installed:

- With a strainer (only on commercial properties),
- Above ground level,
- With suitable air gap between relief valve discharge port and ground level or flood level (12" minimum, 5' maximum),
- With a minimum of 12" clearance from all walls, and
- With adequate support to prevent the unit from sagging.

(3) Cross-connection protection requirement. The owner (using guidance from TDEC DWR) determines the types of facilities requiring cross-connection protection.

(4) Existing facilities. After a complete premise inspection by owner, a formal written notice advising a RPZ BFD requirements will be issued to the property owner or occupant of an establishment or premise. (1996 Code, § 18-305, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-306. Inspection - RPZ**. The owner shall examine:

(1) Properties subject to frequent changes in on-site plumbing, where new cross-connections may be installed and existing protection may be bypassed, removed or otherwise made ineffective shall be subject to an annual inspection.

(2) New construction - all new commercial construction plans and specifications shall be made available to the owner for review.

(3) Existing facilities. Existing facilities (includes commercial and residential customers that have a potential cross-connection) cross-connection protection shall be subject to inspection to determine the degree of hazard. Should installation of BFD or plumbing changes be required, the owner will notify the occupant of the requirements and a follow-up inspection will be made to assure proper protective devices have been installed. (1996 Code, § 18-306, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-307. Testing - RPZ**.

(1) Unless otherwise specified, it shall be the duty of the property owner/occupant to ensure annual (or more frequent, if necessary) testing of backflow devices.

(2) BFDs shall be successfully tested:

(a) Immediately upon completion of installation.

(b) At least every twelve (12) months, recommended more often for high-hazard installations.

(c) Property owner shall provide to owner proof the BFD has been tested at least every twelve (12) months. If the property owner does not provide proof, then owner will test BFD and make any repairs at property owner's expense. If BFD fails testing or needs repaired, property owner has thirty (30) days to make repairs and/or replace BFD and have BFD retested successfully, unless prior written approval of a later deadline is issued by owner. Failure to provide proof to owner will result in the disconnection of the water line with the BFD. Re-connection will not be permitted and accomplished until proof the BFD has been tested has been provided to the owner, and all fees for re-connection have been paid.

(d) When unit has been disassembled for cleaning and/or repairs.

(e) When there is any indication the BFD is not functioning properly.

(3) The owner shall keep an updated file on all BFDs that have been added to the system and records of annual tests of those devices. A licensed TDEC plumber shall issue an updated copy of license and most recent BFD test to SWS. (1996 Code, § 18-307, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-308. Cost - RPZ.** All costs associated with the subject program are to be borne by the customer or appropriate party. This includes the initial purchase of the BFD and its proper installation, testing, and maintenance. (1996 Code, § 18-308, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-309. General.** The procedures outlined herein are based on the principle of containment of the potential or actual hazard within the customer's premises. Should a customer refuse the right of entry of the owner or their designated representative, the owner must assume maximum hazard and therefore require the highest degree of protection on such a customer's service line. (1996 Code, § 18-309, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-310. Reference documents.**

- (1) EPA Cross Connection Control Manual.
- (2) TDEC DWR Cross Connection Control Manual
- (3) ANSI/AWW A Standard C-510-89 and C-511-89
- (4) ASSE Standard 1013
- (5) Foundation for Cross Connection Control and Hydraulic Research, 7 th Edition. University of Southern California Standards. 1985. (1996 Code, § 18-310, as replaced by Ord. #O-2013-027, Nov. 2013)

**18-311. Unpotable water to be labeled.** The potable water system made available to premises served by the public water system 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 (1") high located on a red background. (as added by Ord. #O-2013-027, Nov. 2013)

**18-312. Applicability.** The requirements contained herein shall apply to all premises served by the City of Sevierville Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the 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 health wise, or otherwise undesirable, shall be enforced rigidly

without regard to locations of the premises, whether inside or outside the city of Sevierville corporate limits. (as added by Ord. #O-2013-027, Nov. 2013)

**18-313. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00), and each day of continued violation after conviction shall constitute a separate offense. (as added by Ord. #O-2013-027, Nov. 2013)

**18-314. Severability.** Should any part(s) of the chapter be declared invalid for any reason, no other part(s), of this chapter shall be affected thereby. (as added by Ord. #O-2013-027, Nov. 2013)

**18-315. Repeal of inconsistent ordinances.** All ordinances and part(s) of ordinances in conflict with this chapter are hereby repealed. (as added by Ord. #O-2013-027, Nov. 2013)



## CHAPTER 4

### STORMWATER ORDINANCE

#### SECTION

- 18-401. General provisions.
- 18-402. Definitions.
- 18-403. Land disturbance permits.
- 18-404. Design of stormwater systems: construction and permanent.
- 18-405. Management of permanent stormwater systems: operation, maintenance, and inspection.
- 18-406. Existing locations and ongoing developments.
- 18-407. Illicit discharges.
- 18-408. Enforcement.
- 18-409. Penalties.
- 18-410. Appeals.

#### **18-401. General provisions.**

(1) Purpose. It is the purpose of this Ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Sevierville and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City.

(b) Enable the City of Sevierville to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 C.F.R. 122.26 for stormwater discharges.

(c) Allow the City of Sevierville to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by Ordinance or Resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable Ordinance, Resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City Engineer shall administer the provisions of this chapter.

(3) Right of entry. The City Engineer shall make inspections and investigations, carry on research or take on such other actions as may be necessary to carry out this administration of regulations; enter at all reasonable times upon any property other than dwelling places for the purpose of conducting investigations and studies or enforcing any of the provisions of this Ordinance, pursuant to Tennessee Code Annotated, § 69-3-107(5) and (6). (Ord. #2012-010, Oct. 2012)

**18-402. Definitions.** For the purpose of this Ordinance, the following definitions shall apply: words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Agricultural operations." Activities related to the production of goods through the growing of plants and/or animals.

(2) "As built plans." Drawings depicting conditions as they were actually constructed.

(3) "Base flood." The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(4) "Best Management Practices" or "BMPs." Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, have been approved by the City Engineer, and have been incorporated by reference into this Ordinance as if fully set out therein. (Note: § 18-404(1) for recommended BMP manual.)

(5) "Blue line stream." Any stream, creek, lake, pond, or other body of water shown as a blue line on a 7.5 minute USGS quadrangle map.

(6) "Board of Mayor and Alderman (BMA)." The governing body of the City of Sevierville, Tennessee.

(7) "Borrow PIT." An excavation from which erodible material (typically soil) is removed to be fill for another site, and shall be considered a construction activity for the purpose of this permit.

(8) "Buffer zone." As used in this Ordinance, an area parallel to the top of the bank of a stream, river, creek, pond, lake, or other body of water and which runs along the length or circumference of a body of water for the purpose of protecting a body of water from non point source pollutants, including eroded soils.

(9) "Channel." A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(10) "Clearing." Typically refers to the removal of vegetation and disturbance of soil prior to grading or excavating in anticipation of construction activities.

(11) "Common plan of development." Any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(12) "City Engineer." The City Engineer is the person hired by the City of Sevierville to oversee the general engineering activities of the City and shall include his designated representative(s).

(13) "Community water." Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Sevierville.

(14) "Contaminant." Any physical, chemical, biological, or radiological substance or matter in water.

(15) "Design storm event." A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-year, 5-year, 25-year, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=tn](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn).

(16) "Diameter-at-Breast-Height (DBH)." The diameter, in inches, of a tree trunk as measured four and one-half feet (4 1/2') above the ground. If the

tree splits into multiple trunks at or below four and one-half feet (4 1/2'), the trunk is measured at its most narrow point beneath the split. Diameter-at-breast-height is used as a measurement standard for relatively large trees.

(17) "Discharge." Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(18) "Easement." An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(19) "Erosion." The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(20) "Erosion Prevention and Sediment Control Plan (EPSCP)." A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(21) "Exceptional and mature tree." A tree consistent with one (1) of the following characteristics:

- (a) Any hardwood tree which has a DBH of ten inches (10") or greater, or any evergreen tree which has a DBH of fifteen inches (15") or greater, and/or any dogwood (*Comus Florida*) or redbud (*Cercis Canadensis*) which has a DBH of more than four inches (4");
- (b) Any specimen tree; and
- (c) Any public tree.

(22) "Hot spot (priority area)." An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on Standard Industrial Classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;
- (h) Facilities that generate or store hazardous waste materials;
- (i) Commercial container nursery;
- (j) Restaurants and food service facilities;

(k) Other land uses and activities as designated by an appropriate review authority.

(23) "Illicit connections." Any illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(24) "Illicit discharge." Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 18-403(3).

(25) "Improved sinkhole." A natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of wastewaters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(26) "Inspector." An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities.

(27) "Land disturbing activity." Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(28) "Linear project." A land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision or high-rise structures is not considered a linear project.

(29) "Maintenance." Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(30) "Maintenance agreement." A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(31) "Municipal Separate Storm Sewer System (MS4)." The conveyances owned or operated by the City for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(32) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued pursuant to 33 U.S.C. 1342.

(33) "NOC." Notice of Coverage.

(34) "NOI." Notice of Intent form.

(35) "NOT." Notice of Termination form.

(36) "Nursery." A place where young trees or other plants are raised for transplanting, for sale, or for experimental study.

(37) "Off-site facility." A structural BMP located outside the subject property boundary described in the permit application for land development activity.

(38) "On-site facility." A structural BMP located within the subject property boundary described in the permit application for land development activity.

(39) "Peak flow." The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

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

(41) "Planning commission." The Sevierville Planning Commission.

(42) "Priority area." A hotspot as defined in § 18-402(22).

(43) "Quality assurance site assessment." A documented site inspection to verify the functionality and performance of the SWPPP and for determining if construction, operation, and maintenance accurately comply with permit requirements as presented.

(44) "Runoff." That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(45) "Sediment." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(46) "Sedimentation." Soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(47) "Soils report." A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(48) "Specimen tree." A particularly impressive or unusual example of species due to its size, shade, shape, age, or any other trait that, in the opinion of the professional responsible for preparing the tree preservation/removal plan, epitomizes the character of the species.

(49) "Stabilization." Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(50) "Steep slope." A natural or created slope of thirty percent (30%) grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff nonerosively around or over a steep slope. In addition, site managers should focus on erosion prevention on the slope(s) and stabilize the slope(s) as soon as practicable to prevent slope failure and/or sediment discharges from the project.

(51) "Stormwater." Stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(52) "Stormwater management." The programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(53) "Stormwater management facilities." The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed.

(54) "Stormwater management plan." The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(55) "Stormwater Pollution Prevention Plan (SWPPP)." A written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins.

(56) "Stormwater runoff." Flow on the surface of the ground, resulting from precipitation.

(57) "Structural BMPs." Devices that are constructed to provide control of stormwater runoff.

(58) "Surface water." Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

(59) "Tennessee Code Annotated (TCA)." A compilation of the laws of the State of Tennessee.

(60) "Tennessee Department of Environment and Conservation (TDEC)." A department of the government of the State of Tennessee.

(61) "TDEC manuals." Sediment and Erosion Control and Post Construction Manuals approved by TDEC for stormwater system design and installation.

(62) "Turbidity." The cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

(63) "Waste site." An area where waste material from a construction site is deposited when the material is eroding, such as soil. The site must be treated as a construction site.

(64) "Watercourse." A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(65) "Watershed." All the land area that contributes runoff to a particular point along a waterway.

(66) "Waters/waters of the State." Any and all waters, public or private, on or beneath the surface of the ground, which are confined within, flow through, or board upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(67) "Wetlands." Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(68) "Wet weather conveyances." Man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules & Regulations of the State of Tennessee, Chapter 120-4-3-.04(3). (Ord. #2012-010, Oct. 2012)

**18-403. Land disturbance permits.**

(1) Land disturbing activities requiring a permit. Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:

(a) Land disturbing activity disturbs one (1) or more acres of land;

(b) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land; and land disturbing activity of less than one (1) acre of land, as provided for below, or if in the discretion of the City



Engineer such activity poses a unique threat to water, or public health or safety. Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain coverage if:

(i) The City Engineer has determined that the stormwater discharge from a site is causing, contributing to or is likely to contribute to a violation of a stormwater quality violation.

(ii) The City Engineer has determined that a stormwater discharge is or is likely to be a significant contributor of pollutants to waters of the State.

(iii) Changes in State or Federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

(iv) Any new development or redevelopment, regardless of size, that is defined by the City Engineer to be a hot spot land use.

(c) The creation and operation of borrow pits where material is excavated and relocated off-site, and fill sites where materials or earth is deposited by mechanized methods resulting in an increase elevation or grade;

(d) If the City Engineer determines that a construction activity is ongoing without a land disturbance permit, TDEC must be notified and the following information shall be provided to the nearest field office.

(i) Construction project or industrial facility location;

(ii) Name of the operator or owner;

(iii) Estimated construction project or site or type of industrial activity (including SIC code if known);

(iv) Records of communication with the owner or operator.

(2) Building permit. A building permit shall not be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate Federal or State agency.

(d) The owner or developer whose land disturbing activity has been exempted from requirements shall be held responsible for conducting such activity in accordance with the provisions of this Ordinance and other applicable laws, including responsibility for controlling erosion and sediment where individual lots or sections in a

subdivision are being developed by different property owners. All earth disturbing activities related to the subdivision shall be covered by the approved Stormwater Pollution Prevention Plan (SWPPP); such developments are subject to the terms of the requirements therein, including but not limited to: gravel construction entrance/exits, necessary erosion controls, concrete washing restrictions, etc.

(4) Limitations. The City Engineer shall not grant land disturbance coverage for discharges into waters that are designated as "Outstanding National Resource Waters" (ONRW). An individual permit is required for land disturbance activities and is available from TDEC.

(5) Application for a land disturbance permit. Each application shall include the following:

- (a) Name of applicant;
- (b) Business or residence address of applicant;
- (c) Applicant's designated contact person, including the representative's contact information including, but not limited to, phone number and email address;
- (d) Name, address and telephone number of the owner of the property of record in the Office of the Assessor of Property;
- (e) Address and legal description of subject property including the tax map and parcel number of the subject property;
- (f) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
- (g) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
- (h) Where the property includes a sinkhole, the applicant shall obtain from TDEC appropriate permits;
- (i) The applicant shall obtain any other environmental permits that may be required from any other government entity. If Aquatic Resource Alteration Permits (ARAP) are required for a site in areas proposed for active construction, the land disturbance permit will not be issued until ARAP applications are submitted and deemed by TDEC to be complete. The treatment and disposal of wastewater (including, but not limited to sanitary wastewater) generated during and after the construction must also be processed. The issuance of the permit may be delayed until adequate wastewater treatment and accompanying permits are issued. The inclusion of any such permits in the application shall not prevent the City from imposing additional development requirements and conditions, commensurate with this chapter or other Ordinances and Regulations of the City, on the development of property covered by those permits.

Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 18-404.

(ii) A stormwater management plan as described in § 18-404, providing for stormwater management during the land disturbing activity and after the activity has been completed.

(iii) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by Resolution, adopted by the Board of Mayor and Aldermen (BMA).

(6) Review and approval of application.

(a) The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this Ordinance and other applicable Ordinances and Regulations. Within thirty (30) days after receiving an application the City shall provide one (1) of the following responses in writing to the applicant:

(i) Approval of the permit application;

(ii) Conditional approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

(c) No site plan, planned unit development plan, and/or subdivision plat shall be considered as having received final approval until such time as all conditions have been met and a land disturbance permit is issued to the applicant.

(7) Permit duration. Every land disturbance permit shall expire and become null and void if twenty-five percent (25%) of work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, and the permit life shall be three hundred sixty-five (365) days unless granted an extension. Extensions shall be applied for thirty (30) calendar days prior to the end of the three hundred sixty-five (365) day permit period.

(8) Notice of land disturbance. The applicant must notify the City Engineer ten (10) working days in advance of the commencement of land disturbance.

(9) Performance bonds. The City Engineer may, at his/her discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are

installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices, which shall be subject to acceptance, amendment or rejection by the City Engineer. Alternatively, the City Engineer shall have the right to calculate the cost estimates for the construction.

The performance security or performance bond shall be released in full only upon submission of as built plans and written certification by a Registered Professional Engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this chapter. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this Ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer. It shall be the responsibility of the applicant to secure and renew the performance security or performance bond as necessary. Failure to obtain a timely renewal of bond shall result in revocation of the permit and/or the issuance of a stop work order.

(10) Transfer of ownership.

(a) Some construction projects, such as residential or commercial subdivisions and/or developments of industrial parks, are subdivided. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site wide developer/owner must describe erosion control and sediment prevention measures implemented at those lots. Once the property is sold, the new operator must obtain coverage under this permit.

(b) If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized permit coverage may not be necessary, unless and until construction activity at the site resumes. (Ord. #2012-010, Oct. 2012)

**18-404. Design of stormwater systems: construction and permanent.**

(1) MS4 stormwater design or BMP manuals.

(a) Adoption. The City adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this Ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) TDEC Manual for Post Construction; most current edition.

(b) Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) Submittal of a copy of the NOC, SWPPP and NOT to the City Engineer. Permittees who discharge stormwater through an NPDES-permitted Municipal Separate Storm Sewer System (MS4) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the City Engineer permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer website.

Copies of additional applicable local, State or Federal permits (i.e., ARAP, etc.) must also be provided upon request. If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(3) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (7) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(4) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a Registered Professional Engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the

requirements found in the most current TDEC Erosion Prevention and Sediment Control Handbook, and shall include at least the following:

(a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation

and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the City. Failure to remove the sediment, soil or debris shall be deemed a violation of this Ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the groundwater system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(s) The plan shall include detailed drawings of all structural and non-structural controls and stabilization measures which shall be designed to minimize erosion and maximize sediment removal resulting in stormwater discharge associated with the two (2) year, twenty-four (24) hour design storm event as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=tn](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn). These specific details for constructing stabilized construction entrance/exits, concrete washouts, sediment basins for controlling erosion, and road access points should be designed to eliminate or keep soils, sediment, and/or debris to a minimum.

(t) When land disturbance activities are proposed along 303 (d) listed streams impaired for siltation or a known high quality waterway, the erosion and sediment control plan shall be designed at a minimum to control the discharge of a five (5) year twenty-four (24) hour storm event along with other additional minimum standards outlined in the current Tennessee Construction General Permit.

(5) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;

(ii) Brownfield redevelopment;

(iii) High density (>7 units per acre);

(iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and

(v) Mixed use and transit oriented development (within one-half (1/2) mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this Ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the City Engineer may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original



project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on-site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the City Engineer. The City Engineer shall identify priority areas within the watershed in which mitigation projects can be completed. The City Engineer must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the most current Erosion Prevention and Sediment Control Handbook.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(6) Minimum volume control requirements. In accordance with § 18-401 the City Engineer may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements to control the peak flow rates of stormwater discharge associated with the one (1) year, two (2) year, five (5) year, ten (10) year, and twenty-five (25) year NRCS Type II twenty-four (24) hour design storm frequency and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) Detention of stormwater shall be required if there is a net increase in runoff from the site during a twenty-five (25) year storm event following development (or redevelopment), for sites one (1) acre or larger; or, if the site will contain one-half (1/2) acre or more of impervious area (driveways, parking lots, sidewalks, patios, roofs) following development (or redevelopment). Where a detention pond or retention pond and related equipment and facilities are designed and intended to provide stormwater management for more than one (1) lot and/or for more than one (1) property owner, such as is the case for residential and commercial

subdivisions and residential and commercial condominiums, including interval ownership (time-share) tourist housing, then a legally established property owner's association shall have the responsibility of ownership and maintenance of such areas in perpetuity. The maintenance plan and maintenance agreement shall be constructed as provided for in § 18-406(1).

(c) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(7) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map. Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural BMPs. In instances in which a detention/retention basin is to be employed as a part of the stormwater management system, the outlet structures and pipe from such basins shall be precast reinforced concrete.

(c) Proposed non-structural BMPs.

(d) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(8) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 18-404(6). These calculations must show that the proposed

stormwater management measures are capable of controlling runoff from the site in compliance with this Ordinance. Such calculations shall include:

- (a) A description of the design storm frequency, duration, and intensity where applicable;
- (b) Time of concentration;
- (c) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (d) Peak runoff rates and total runoff volumes for each watershed area;
- (e) Infiltration rates, where applicable;
- (f) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
- (g) Flow velocities;
- (h) Data on the increase in rate and volume of runoff for the design storms; and
- (i) Documentation of sources for all computation methods and field test results.

(9) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(10) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(11) Buffer zone requirements. Vegetative buffer. An undisturbed vegetative buffer of thirty feet (30') (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the State located including bodies of water such as perennial and intermittent streams, rivers, ponds and lakes and wetlands. Buffer width depends on the size of the drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') of buffer zone. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum.

A sixty foot (60') buffer width has been established for sites that contain or are adjacent to a receiving stream designated as impaired or exceptional waters. This sixty foot (60') buffer can be established on an average width basis

at a project, as long as the minimum width of the buffer is more than thirty feet (30') at any measured location.

Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy, as well as stormwater infiltration, filtration and evapotranspiration. Buffer zones are not primary sediment control measures and should not be relied upon as such. Every effort should be made in construction activities not to take place within the buffer and the buffer should remain in its undisturbed state of vegetation. BMPs providing equivalent protection to a receiving stream as a natural riparian buffer zone may be used at a construction site. Such BMPs shall be designed to be effective in protecting the receiving water from effects of stormwater runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at a construction project typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc. Enhancements, restoration and re-establishment may be allowed with proper permit(s).

(12) Variance. The City of Sevierville may allow a variance to the water quality buffer requirements. When a variance is allowed by the City, mitigation must be at least as protective of the natural resources and the environment as the undisturbed buffer. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation.

If it is infeasible to provide an undisturbed naturally vegetated buffer of any size between the disturbed portion of the site and any waters of the State, sediment and erosion controls certified by a Tennessee Licensed Professional Engineer to achieve the equivalent sediment load reduction as an undisturbed, naturally vegetated, thirty foot (30') buffer may be implemented on approval by the City Engineer.

Note: If pre-existing development on the site has resulted in significant disturbances within the thirty foot (30') buffer (for example, sites where all vegetation in the thirty foot (30') buffer area has been removed and replaced with impervious surfaces as a result of prior development), the site is exempt from complying with the buffer requirements as long as the area of encroachment is not extended. (Ord. #2012-010, Oct. 2012)

**18-405. Management of permanent stormwater systems: operation, maintenance, and inspection.**

(1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a Registered Professional Engineer licensed to practice in Tennessee. A final inspection by the City is required before any performance security or performance bond will be released. The City shall have

the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City.

(2) Landscaping and stabilization requirements.

(a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than fifteen (15) days (seven (7) days for steep slopes) after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(b) The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in § 18-406(3).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this section shall be charged to the responsible party. (Ord. #2012-010, Oct. 2012)

**18-406. Existing locations and ongoing developments.**

(1) On-site stormwater management facilities maintenance agreement.

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which

the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this Ordinance. The property owners will arrange for this inspection to be conducted by a Registered Professional Engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City of Sevierville. It shall also grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City of Sevierville.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Sevierville shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Sevierville's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations -- no maintenance agreement.

(a) The City of Sevierville shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this Ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The City may, to the extent authorized by State and Federal law, enter and inspect private property for the purpose of determining if there are illicit nonstormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits.

These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the City's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections -- generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The City of Sevierville may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type;
- (ii) Inspection date;
- (iii) Latitude and longitude and nearest street address;
- (iv) BMP owner information (e.g., name, address, phone number, fax, and email);

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation;

(vi) Photographic documentation of BMPs; and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The City of Sevierville may require submittal of this documentation.



(4) Corrections of problems subject to appeal. Corrective measures imposed by the City of Sevierville under this section are subject to appeal under § 18-410 of this chapter. (Ord. #2012-010, Oct. 2012)

**18-407. Illicit discharges.**

(1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from a stormwater facility that is not inspected in accordance with § 18-406 shall be an illicit discharge. Nonstormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any nonstormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

- (i) Water line flushing or other potable water sources;
- (ii) Landscape irrigation or lawn watering with potable water;
- (iii) Diverted stream flows;
- (iv) Rising groundwater;
- (v) Groundwater infiltration to storm drains;
- (vi) Pumped groundwater;
- (vii) Foundation or footing drains;
- (viii) Crawl space pumps;
- (ix) Air conditioning condensation;
- (x) Springs;
- (xi) Non-commercial washing of vehicles;
- (xii) Natural riparian habitat or wetland flows;
- (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
- (xiv) Firefighting activities;
- (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the City as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), which comply with Section 3.5.9 of the same:

- (i) Dewatering of work areas of collected stormwater and groundwater (filtering or chemical treatment may be necessary prior to discharge);
- (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves the site;
- (iii) Water used to control dust in accordance with CGP Section 3.5.5;
- (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
- (v) Routine external building washdown that does not use detergents or other chemicals;
- (vi) Uncontaminated groundwater or spring water; and
- (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this Ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person

or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City. (Ord. #2012-010, Oct. 2012)

**18-408. Enforcement.**

(1) Enforcement authority. The City of Sevierville shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings. At minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The City Engineer has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the City Engineer's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures. The City Engineer may also use other escalated measures provided under local legal authorities. The City Engineer may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation.

(a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the City of Sevierville finds that any permittee or any other person discharging stormwater has violated or is violating this Ordinance or a permit or order issued hereunder, the City of Sevierville may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City of Sevierville. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The City of Sevierville is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The City of Sevierville may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the City of Sevierville finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, the City of Sevierville may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the City of Sevierville finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City of Sevierville may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened

violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The City of Sevierville may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City of Sevierville may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the City under this Ordinance, the strictest standard shall prevail. (Ord. #2012-010, Oct. 2012)

#### **18-409. Penalties.**

(1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Sevierville, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Sevierville not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the City of Sevierville may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the City;
- (f) The amount of penalty established by Ordinance or Resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the City may recover:

(a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.

(b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Referral to TDEC. Where the City has used progressive enforcement to achieve compliance with this Ordinance, and in the judgment of the City has not been successful, the City may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

(a) Construction project or industrial facility location;

(b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (Ord. #2012-010, Oct. 2012)

**18-410. Appeals.** Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the City's Board of Zoning Appeals.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the Municipal Recorder or Clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the City's Board of Zoning Appeals shall hold a public hearing within thirty (30) days. Ten (10) days' prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be

sent to the address provided by the aggrieved party at the time of appeal. The decision of the Board of Zoning Appeals of the City shall be final.

(3) Appealing decisions of the City's Board of Zoning Appeals. Any alleged violator may appeal a decision of the City's Board of Zoning Appeals pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (Ord. #2012-010, Oct. 2012)