

TITLE 18

WATER AND SEWERS¹

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CHAPTER 1

WATER

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for the receiving of water service from the city and shall apply to all service rendered by the city whether the providing of such service is based upon contract, agreement, signed application, or otherwise. (Ord. #0-2005-10, Dec. 2005)

18-102. Definitions. (1) In these rules and regulations, and any supplement thereto, the definitions given below shall apply:

- (a) "Business unit" shall mean any structure or portion thereof occupied by a single business or enterprise. Shopping centers or other

structures occupied by any one (1) business or enterprise shall be considered multi-business units.

(b) "City" means the City of Maynardville.

(c) "City manager" shall mean the city manager of the city or the designated representative thereof. The city manager, acting personally or through his designated representative, shall administer, implement, and enforce the provisions of these rules and regulations.

(d) "Commissioners" means the mayor and all commissioners of the city, but does not include any employees.

(e) "Contribution in aid of construction" is any payment made to the city by a person interested in making new or additional water service from the city available to any premises, which payment is made to compensate the city at least in part for the capital costs then to be incurred and theretofore incurred by the city for facilities that are or will be used at least in part in providing such desired new or additional water service.

(f) "Customer" means any person who receives water service from the city, under either an express or implied contract requiring such person to pay the city for such service; and shall include any person upon whose property there is located a customer-owned water service line, even though such service line is not in active use.

(g) "Customer service line" or "service line" shall designate the water line extending from the service connection to and within the improvements on such property.

(h) "Day" whenever used with reference to a period which water is measured means a period of twenty-four (24) consecutive hours beginning as near as practical to 8:00 A.M. prevailing time and the date of any such day shall be the date of the calendar day on which said twenty-four (24) hour period begins.

(i) "Due date" shall mean the date fifteen (15) days after the date of a bill, except when some other date is expressly required by these rules, regulations and rate schedules, or by an agreement approved by the city. The due date is the last date upon which water bills can be paid by the net rates.

(j) "Dwelling" or "dwelling unit" shall mean any structure or portion thereof occupied by one (1) or more persons or households for residential purposes. Apartment buildings and other structures occupied by more than one (1) family shall be considered multi-family dwelling units.

(k) "Fire protection service charges" means the charges made for fire protection provided by the fire hydrants owned and maintained on an unmetered basis by the city for the use of firms, corporations or individuals.

(l) "Household" means any one (1) or more persons, living together as a family group.

(m) "Penalty date" shall mean the date which appears on the bill, except when some other date is expressly required by these rules and regulations or rate schedules, or by an agreement approved by the city. The discount rate is the last date on which bills can be paid at net rates.

(n) "Person" includes firms, corporations, partnerships, organizations, associations, all other business entities, governmental entities and natural persons.

(o) "Point of delivery" unless otherwise provided by an easement or other written agreement between the city and the customer or other owner of the service line to which the water service main is connected, shall be the location at which the water service main reaches the boundary line between the easement or public right of way in which the water service main is located, and the adjacent private property. However, where an outside meter and meter well on such water service main are located within five feet (5') of such boundary line on either side thereof; the point of delivery shall be where the outlet pipe leaves the outlet side of the meter.

(p) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(q) "Regular billing period" or the "billing period" for any designated calendar month means the billing period from which the revenues are included in monthly financial and operating statements for the calendar month in question.

(r) "Rules and regulations" means addenda, attachments, supplements and interpretations adopted from time to time by the commissioners.

(s) "Service connection" shall mean the tap of the main and that portion of the line extending from the tap of the main to and including the meter and the meter installation in those installations where the meter is set at or near the property line on the street, highway or right of way in which the main is located. For meters located elsewhere on private property, the "service connection" is considered to extend from only the tap of the main to the property line, plus the meter and meter installation.

(t) "Service line" shall mean and include any pipe, line or related facility beyond the point of delivery, excluding meters, meter boxes, cut off valves and meter connections. Service lines shall be the responsibility of the customer(s).

(u) "Tapping fee" shall designate any charge made by the city to users or prospective users for the tap of the main and the installation of the service connection, including the meter, meter installation and the

meter box. The customer acquires no legal title to or equity in the facilities installed by reason of the payment thereof. A tapping or tap fee will be required of every customer without regard to whether the tap is made by the city or the owner or in the case of any development of the developer.

(v) "Water division" or "division" shall mean the part of the city system having charge of water system operations.

(w) "Water distribution main" is a water main that provides water service to, or is designed to provide water service to, more than one (1) service line, and that ordinarily is located in and extends longitudinally along a public street, road, similar public right of way, or easement.

(x) "Water main" shall mean any pipe line or related facility up to and including a point of delivery, and shall not include any pipe line located on private property except in instances in which the city has been granted easement rights.

(y) "Water service main" is the pipe and appurtenant facilities between a water distribution main and the point of delivery for the service line to which the water service main is connected.

(2) Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine. (Ord. #0-2005-10, Dec. 2005)

18-103. Obtaining service. Persons wishing to obtain water service shall make written application for either initial or additional water service at the office of the city manager or with a duly appointed employee of the city. The application must be duly approved by the city manager or the city manager's designee for service connection and meter installation before job orders will be issued and the construction or installation work performed. (Ord. #0-2005-10, Dec. 2005)

18-104. Application and contract for service. (1) Each prospective customer desiring water service shall be required to sign the city's standard form of contract before service is supplied. The use of water service by a customer shall impliedly bind the customer by the terms of the applicable standard contract form, even though not actually signed. The contract will apply to any other location within the city or the city's service area when a customer moves. Customers requiring the installation of special equipment by the city may be required to sign a contract guaranteeing a minimum charge for such period of time as may be agreed upon between the city and the customer. If, for any reason, the applicant, after signing the contract for water services, does not take the service by reason of occupying the premises or otherwise, the applicant

shall reimburse the city for the expense incurred by reason of its effort to furnish such service.

(2) The receipt by the city of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the city's rules, regulations and general practices, the liability of the city to the applicant for such service shall be limited to the return of any deposit or charges paid to the city by such applicant.

(3) Whenever an application is made for service to premises concerning which the city knows there is a dispute as to the ownership or right of occupancy, and one (1) or more of the claimants attempts to prevent such service from being furnished, the city reserves the right to adopt either one (1) of the following two (2) alternative courses.

(a) To treat the applicant in actual possession of the premises to be served as being entitled to such service, irrespective of the rights or claims of other persons; or

(b) To withhold service pending a judicial or other settlement of the rights of the various claimants. (Ord. #0-2005-10, Dec. 2005)

18-105. Deposit. (1) The customer, when called upon by the city, shall deposit with it such reasonable sums of money as may be required by the city as continuing security for the performance of the obligations contracted for by the customer, and failure to make such deposit upon demand of the city will give the city the right to declare the contract forfeited and to refuse or to discontinue service.

(2) Upon termination of the service, the deposit may be applied by the city against any obligations of the customer, to the city, regardless of whether such obligations arose in connection with water service or otherwise. Any part of the deposit which is not so applied will be refunded to the customer upon demand.

(3) No deposit shall be transferable or assignable by customer.

(4) Each applicant for water and/or sewer service, when called upon by the city, shall as a condition of service by the city deposit with the city a security deposit to secure the payment of water and sewer service charges in such an amount as specified by the city in accord with the city's schedule of rates and charges. Security deposits will be returned to the customer upon the discontinuation of service to the customer after deducting any amounts owed by the customer. (Ord. #0-2005-10, Dec. 2005)

18-106. Service charges for temporary service. (1) Customers requiring temporary service may be required to pay all costs as determined by the city for connection and disconnection of facilities incidental to a supplying of service in addition to the regular charge for water use. This rule applies to

circuses, carnivals, fairs, trailers, temporary construction and other applications requiring temporary service.

(2) The city may issue permits for the use of water, building or construction purposes or for other temporary purposes, provided the applicant pays for tapping the main and installing the necessary facility and complies with all other requirements of the city.

(3) The city may, in exceptional cases, issue permits for the use of unmetered water for building, construction or other temporary purposes, provided all other requirements of the city are met with the exception of the condition that the water purchased must be metered. In such exceptional cases of unmetered water service, the water so used must be discharged from a hose or pipe directly into water pipes or beds and under no circumstances shall it be discharged above the ground or into or through a ditch or trench or into the gutter. The cases of such temporary connection, the hose connection through which the water is taken must be properly protected and in no case shall the city's properties be used for controlling the flow of the water. (Ord. #0-2005-10, Dec. 2005)

18-107. Tapping main and making connections. (1) Water service mains will be installed by the city from the water distribution main to the customer's point of delivery. The location of such water mains will be determined by the city.

(2) Before a new or larger water service will be installed by the city, the applicant shall pay a contribution in aid of construction whenever required under these rules and regulations.

The contributions in aid of construction for water service mains in cases in which any or all work is performed by the city shall be as provided in the development agreement entered into between the city and the developer.

(3) The charges for service connections in developments where the service tap has already been provided for by the developer but where no water meter or meter well has been installed shall be as specified in § 18-501, schedule of rates and charges.

(4) In order to adjust the schedule of contributions in aid of construction as the costs of water service mains change from time to time, it shall be the duty of the city manager after consulting with the city's engineer in January (or as soon thereafter as these computations can reasonably be made) of each year to compute the average cost for the preceding calendar year for each pipe size of water service mains for which pipe size at least six (6) such water service mains were completed during such preceding calendar year, as determined from the plant cost records maintained by the city. The city manager shall make a written report of such determinations for each of the pipe sizes listed above to the board of commissioners; and when such written report has been approved by the board of commissioners and filed with the city recorder, the amounts shown thereon shall thereafter be used for all contributions in aid

of construction paid after the date of such filing or after January 31st of the year in which filed, whichever date is the latter; and such adjusted contributions in aid of construction shall continue to be used thereafter until the amounts thereof are again adjusted by this same procedure in a succeeding calendar year.

(5) The city shall be responsible for the maintenance and upkeep of water mains to the point of delivery. In addition, the city shall be responsible for the maintenance and upkeep of meters, meter boxes, cut-off valves and meter connections, with access thereto being required as provided in § 18-113. The service line and all other facilities (except meters, meter wells, meter boxes, cut-off valves and meter connections) beyond the point of delivery (even though such remaining portion is not located within the customer's property) shall be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the city shall not be responsible for the maintenance and upkeep of any part of a service line.

(6) Water service shall not be furnished to more than one (1) customer through a single service line unless it is clearly in the best interest of the city to provide such service in that manner. Before water service shall be furnished to two (2) or more customers through one (1) service line, the city manager shall give his written approval of such service. In such written approval, the city manager shall state why furnishing such service is clearly in the best interest of the city. In the event that a service line provides service to more than one (1) customer, the city may require that each customer served by such service line acknowledge, in a manner satisfactory to the city:

(a) That the city is not responsible for the maintenance of such service line; and

(b) That such customer is responsible for providing and maintaining such service line as provided in § 18-108. The omission of the city to obtain any such acknowledgment shall neither add to the city's responsibility nor reduce the customer's responsibility for the maintenance of such service line. (Ord. #0-2005-10, Dec. 2005)

18-108. Water extensions--general extension policy. (1) The city may extend its service in developed areas pursuant to § 18-109 and to new developments pursuant to § 18-110. The investment the city will make, if any, toward an extension of the water system will be equitably determined on the basis of economic feasibility. In making such determination, the city shall consider the total capital cost, the anticipated revenues, the estimated expenses associated with the extension and such other economic factors as the city manager may deem appropriate under the circumstances. Costs for extensions in excess of the investment of the city shall be paid by customers associated with such extensions and will constitute a contribution in aid of construction.

(2) Prior to extending any water line, the city may require the customer to execute an extension agreement which requires and/or provides for customer assurances with respect to the extension, including, but not limited to,

refundable construction advances, minimum volume or bill requirements and such other forms of security, assurance, and/or guarantee, as the city determines to be necessary or appropriate to protect the interest of the city and its customers.

(3) Extension of a larger water main to property already served by a smaller main, when made at the request of a customer or customers, and not initiated by the city as an improvement to the water distribution system, shall be treated as an original water main extension.

(4) The city shall have the authority to extend the water system other than in accordance with the policies set forth herein when any such extension is determined to be in the best interest of the city or to the benefit of the public health of the community.

(5) The authority to make water extensions pursuant to this section is discretionary even though all requirements of this section have been met. Nothing contained herein shall be construed as requiring the city to extend water service to any property.

(6) No water and sewer lines shall be extended without the prior approval of plans from the appropriate state agency and the board of commissioners.

(7) All water lines shall be six inches (6") or greater on all extensions, unless granted a variance by a majority vote of the board at a regular or special called meeting. (Ord. #0-2005-10, Dec. 2005, modified)

18-109. Main extensions to developed areas. (1) The provisions of this section shall apply only to water main extensions necessary to provide water service to existing improvements. This section shall not be applicable to land development projects, subdivisions, or any other undeveloped lots or parcels.

(2) Unless otherwise provided for in an extension agreement, the owner or occupant of the property to be served by extensions of a water main under this section shall pay any required contribution in aid of construction, as determined pursuant to § 18-108 above upon the execution of the extension agreement. (Ord. #0-2005-10, Dec. 2005)

18-110. New developments. (1) The provisions of this section shall apply to all areas to which § 18-109 is not applicable, including all land development projects and subdivisions.

(2) Persons desiring water main extensions pursuant to this section must pay, at a minimum, a contribution in aid of construction equal to the cost of providing water mains within the subdivision or land development project. In addition, such persons may be required to make an additional contribution in aid of construction toward the cost of connecting the mains from the subdivision or land development project to the city's existing system. Such additional

contribution shall be determined on the economic feasibility basis described in § 18-108 above.

(3) All mains and other water facilities shall be constructed either by the city forces or by persons authorized under § 18-111 below. For work performed by the city, the applicant shall pay in advance of construction the estimated cost of the extension as determined by the city. (Ord. #0-2005-10, Dec. 2005)

18-111. Work performed by persons other than the utilities department. (4) Notwithstanding anything contained herein to the contrary, where provision is made for water mains or other water facilities to be constructed by the city at the expense of the customer or any person other than the city, the city manager may allow such construction work to be done by a contractor or other person acceptable to the city.

(5) The city may reduce any required contribution in aid of construction, up to the total required contribution for work performed, in accordance with this section.

(6) The size, type, and installation of water mains or other facilities pursuant to this section shall comply with the city's standard specifications, and must be approved by the city.

(7) All construction work shall at all times be subject to inspection by the city to assure that the work conforms to the specifications of the city.

(8) No approval or inspection by the city hereunder shall relieve the customer or his contractor of any liability to the city or third parties for the work performed by the customer or his contractor.

(9) Upon the completion of main extensions or other water facilities and their approval by the city, such facilities shall become the property of the city, and the persons paying the cost of constructing such facilities shall execute any written instrument requested by the city to provide evidence of the city's title to such facilities. In consideration of such facilities being transferred to the city, the city shall incorporate such facilities as an integral part of the city's water system and shall provide water services therefrom for the reasonable life of such facilities, in accordance with the rules, regulations and rate schedules of the city. (Ord. #0-2005-10, Dec. 2005)

18-112. Easement rights and relocation of city's facilities. (1) In cases where the needs of one (1) or more customers are such as to make desirable the location of the city water mains, and appurtenant facilities on the customer's property or other private property in order to provide service to such customer(s), the customer(s) shall provide adequate easement rights as required by the city for the city's facilities. The city shall not install such water mains and facilities and no applicant for service shall be entitled to such service until the city has been furnished at no cost to the city such indefeasible easement rights for such water mains and facilities at a location acceptable to the city. All

persons having any interest in the property where such water mains and facilities of the city are located shall be conclusively presumed to have agreed to the construction and continued maintenance of such water mains and facilities if at any time after the use thereof begins, a continuous period of six (6) months elapses during which no effort is made by the customer or by any person having an interest in such property, to have such water mains and facilities removed or relocated.

(2) Any person wishing to have the city's water mains or facilities relocated for his convenience shall be entitled to have such water mains or facilities relocated only if

(a) An easement for a suitable substitute location acceptable to the city is provided at no cost to the city; and

(b) Satisfactory arrangements are made with the city for all expenses for any relocation work to be paid at no cost to the city.

Until arrangements acceptable to the city are made for providing water service to the premises served by such water mains or facilities, no person shall have the right to require the city to remove any such water mains or facilities even though the facilities are not in active use at the time. Neither the customer nor any other person shall do anything on the property where such water main and facilities are located, or allow any use thereof, which will endanger said water main and facilities or which will create a hazard by reason of the location or use of such water mains and facilities, or which will materially interfere with access thereto for the repair, maintenance and use thereof.

(3) Any customer whose premises do not extend to a public street right-of-way or other public right-of-way from which water service can be safely and economically provided, shall be responsible for providing and maintaining without cost to the city an easement for the city's water facilities between the customer's premises and the public right-of-way from which such water service is to be or is being provided. Such customer shall also be responsible for providing and maintaining all water facilities beyond such customer's point of delivery, which facilities are not owned by the board. This rule applies to all customers, present and future, including without limitation, those occupying apartments, office buildings, condominiums, shopping centers, parks, projects, developments, subdivisions, and other similar land uses. (Ord. #0-2005-10, Dec. 2005)

18-113. Meters. (1) All meters shall be installed, tested, repaired and removed by the city.

(2) City approval of meter locations shall be obtained prior to the installation of any service lines. The customer shall cause to be provided a suitable location, satisfactory to the city for all metering equipment. The city shall have ready access at all times to such meter locations, whether inside or outside of buildings, for readings, inspection, repair, replacement and removal.

The city reserves the right to move a meter at its own expense to a location which it deems to be more accessible or desirable.

(3) All meters used for billing purposes by the city are the property of the city as shall the meter installation and meter boxes which the city meters are located, even though the customer may have made a contribution in aid of construction as a condition of obtaining service.

(4) No one shall do anything that will in any way interfere with or prevent the proper registration of a meter. No one shall perform work on a water meter without the written permission of the city. No one shall install any pipe or other service which will cause the water to pass through a meter or service or supply line without such water being fully recorded by the meter. No person shall use any device or mechanism to bypass a meter or which causes water usage to occur without being recorded or metered.

(5) Each customer will be supplied through a separate meter unless a meter installation is installed under the city's multiple service policy.

(6) Meters and meter installations must be accessible at all times and shall not be covered with rubbish and/or other material or shrubbery of any kind. No fence shall be built between the meter and the right of way. No one other than an authorized agent of the city shall be permitted to install, repair, adjust, remove or replace any meter or any part thereof.

(7) The customer shall be responsible for damage to the meter and meter installation to which he is served if such damage is caused by carelessness or negligence of the customer or his agent or employees or any members of his family. Such customer shall be billed for actual costs of the repair or replacements, and such bills shall be paid within ten (10) days from the date of the mailing thereof. Failure to pay for damages to a meter or meter installation as outlined above within a reasonable time may be taken as grounds for disconnecting water service by the city.

(8) The city may discontinue furnishing water to the customer who refuses permission for the city to remove the meter from his premises. (Ord. #0-2005-10, Dec. 2005)

18-114. Meter test. (1) The city will, at its own expense, make routine periodic tests and inspections of its meters when the city considers such tests desirable.

(2) When a customer requests an additional meter test, within a period of twenty-four (24) months after the previous test by the city which showed the meter to be accurate, the customer shall pay for such test, if the tests show the meter does not register more than two percent (2%) fast or two percent (2%) slow. In case the test shows the meter to register in excess of two percent (2%) fast or slow, appropriate adjustments will be made by the city. The charges to the customer for meter tests under this section shall be the prevailing rate established by the commissioners.

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

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

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

<u>Meter size</u>	<u>Test charge</u>
5/8" 3/4" 1"	\$5.00
1 1/2" 2"	\$5.00
3"	\$18.00
4"	\$22.00
6" and over	\$30.00

(5) If such test shows the meter not to be accurate within such limits, the cost of such meter test shall be born by the city.

(6) These charges do not apply to inspection of meters and meter installations. The checking and verifications of meter readings, etc. made at the customer's request are carried out while the meters are being maintained at normal service. (Ord. #0-2005-10, Dec. 2005)

18-115. Meter location. (1) For new installations, the city approval of meter locations shall be obtained before any piping is installed. Meters shall be

placed on or adjacent to the property line of the premises to be serviced at the street in which the main lies in which service is to be given.

Insofar as practical, such locations shall be chosen for the joint convenience of the customer and the city, but the city reserves the right to specify the location of the meters.

(2) Where more than one (1) meter is to be installed at one (1) premise, separate meters shall be grouped in one (1) common place and be accessible at all times.

(3) Where meters are at present located on private property, it shall be the policy of the city to move at its expense the meters to locations on public property or at the property line, as speedily as practical. Costs of relocation of any service lines shall be borne by the customer.

(4) The cost of relocating meters for the sole convenience of the customer shall be paid by the customer. (Ord. #0-2005-10, Dec. 2005)

18-116. Multiple services through a single meter. (1) No customer shall supply water service for more than one (1) dwelling unit or business unit from a single service line and meter without first obtaining the written permission of the city.

(2) Where the city allows more than one (1) dwelling unit or business unit to be served through a single service line and meter, the amount of water used by all the dwelling units and business units served through a single service line and meter shall be allocated to each separate dwelling unit or business unit thus served by providing the amount of water used by the number of dwelling units and business units served. The water charged for each such dwelling unit or business unit thus served shall be computed just as if each such dwelling unit or business unit has received through a separately metered service the amount of water so allocated to it. Such computation to be made at the city's applicable water rates including the provisions as to minimum bills. The separate charges for each dwelling unit or business unit served through a single service line and meter shall then be added together and the sum thereof shall be billed to the customer in whose name the service is supplied. (Ord. #0-2005-10, Dec. 2005)

18-117. Point of delivery. Except as may otherwise be provided by written agreement by the city and customer, the point of delivery shall be as defined in § 18-102(1)(o). All piping and equipment between this point and the point or points where the water is used shall be the property of and be maintained by the customer. The city shall not be liable for injury to persons or property on account of defect or negligence in the installation, maintenance or use of any piping beyond the point of delivery. (Ord. #0-2005-10, Dec. 2005)

18-118. Main extensions. (1) All water line extensions made within the city or its service area shall conform to the specifications of the city, the design criteria for community public water systems established by the Tennessee

Department of Environment and Conservation and shall be approved by the Tennessee Department of Environment and Conservation.

(2) All water line extensions shall be at least six inches (6") in size and be paid for by the developer unless otherwise approved by the city. Any exception to the six inch (6") water line size standard must be approved by the city and such approval shall be based upon certain objective factors which include, but are not necessarily limited to, the number of potential customers, the volume of water usage anticipated to be used by the potential customers, the amount of available water pressure and water volume as based upon hydraulic analysis and economic analysis. The reasons for any exception to the six (6) inch line standard shall be reflected in the minutes of the meeting of the board of commissioners at which the approval of the exception is granted.

(3) All plans for use of the business and line extensions must be submitted to the city for engineering review and approval. Charges for said review are stated in the scheduled rates and charges.

(4) Line extensions must be inspected by the city and bacterial and pressure tests run before the city will accept the extension into the system.

(5) The city shall not construct any water or sewer project for a private purpose except as provided by general state law.

(6) All main extensions for private projects shall be constructed in accord with a development agreement to be entered into between the city and the developer. (Ord. #0-2005-10, Dec. 2005)

18-119. Standard service. Water service is normally limited to qualities as determined by the physical limitation of the city's water distribution and storage systems and no specific quantities or rates of flow can be guaranteed. The quality of water will be determined by the city's source of supply and treatment facilities and chemical characteristics of such water shall be those resulting from the treatment of the water obtained from the source of supply as used by the city for its water system. (Ord. #0-2005-10, Dec. 2005)

18-120. Non-standard service. (1) The city's facilities are designed for furnishing water on a gravity basis and are limited to such. In a few isolated cases, the city serves small areas through which are dependent upon continuous power supply. Customers living in the areas as high or higher than the reservoirs that feed that area must provide and maintain at their expense any equipment necessary to provide the standards of water service desired.

(2) In those cases in which the size of the city's main limits the quality of service, or might reasonably be expected to limit the quality of service in the future, and for which funds are not available to the city for improvements in the foreseeable future, the city will attempt to notify its customers, and future applicants for water service in such areas, that the service is substandard and nonstandard and that the areas that the service is substandard and nonstandard and that the city assumes no obligation for improving service until

funds are available for making improvements needed to provide a higher level or standard service. (Ord. #0-2005-10, Dec. 2005)

8-121. Tapping existing main and marking service connection.

(1) Service connections will be made by the city from the water main to the property line. Such service connections, including meter installation, will be fitted with all necessary hardware and so installed as to be readily accessible at all times to the agents of the city. The location for such service connections will be in accordance with § 18-117 above.

(2) When such service connections are completed, the city shall have ownership of and shall be responsible for the maintenance and upkeep of such service connections from the main and to and including the meter and meter installation. The remaining portion, designated as the "service line" or "customer's service line" beyond the meter and the meter installation (even though such remaining portion is not located within the customer's property line) shall belong to and be the responsibility of the customer.

(3) In all cases the "service line" shall be installed by the customer at the customer's expense and shall be and remain the exclusive property of the customer. The service line shall be of material approved by the city and shall be provided with a stop and wastecock. Water service to any customer may be discontinued and water service to any applicant supplied with a stop and wastecock. Notwithstanding anything else herein provided, the city shall not be responsible for the maintenance and upkeep of any customer's service line located within the property line of the customer, even though the city's meter and meter installation are located within said property line.

(4) Connections (taps) and connection (tap) fees. In addition to bearing all costs of installing water service lines or sewer service lines from the water main or sewer main to the point of service, every customer shall pay a connection or tapping fee provided in the city's schedule of rates and charges. (Ord. #0-2005-10, Dec. 2005)

18-122. Fire protection service. (1) Public. (a) Fire hydrant installations. Where it is feasible each residential lot will be located within five hundred feet (500') of a fire hydrant as measured along a public right of way.

(b) Water taken from fire hydrants for purposes other than fire fighting. When water is taken from fire hydrants, for any purpose other than firefighting, such as sprinkling of streets, construction purposes or other temporary uses, the hydrant from which the water is so taken must have a reducing appliance attached to the nozzle of the fire hydrant with an independent valve capable of regulating the supply. The main valve of the fire hydrant must be fully opened at the beginning of each work day and remain open until the close of work at night. The supply is to be regulated by independent valve which must be approved by the city.

When taking water from a fire hydrant for any purpose other than fire fighting, no wastage will be allowed.

(2) Private. (a) Private fire hydrants and fire lines. Private fire hydrants and fire lines will be installed at the expense of the customer and the construction will be made in accordance with specifications of the city. Such facilities shall be owned and maintained by the customer and the charges shall be in keeping with the schedule of rates and charges.

(b) Charges for sprinkler system. (i) All sprinkler systems should have a detector check. Facilities installed for providing water for automatic sprinkler systems for fire protection shall be owned and maintained by the customer and charges outlined in the schedule of rates and charges.

(ii) Multiple connections for sprinkler service to one (1) structure in service at the time of the effective date of these rules and regulations shall, for billing purposes only, be considered a single connection.

(c) Limited use of unmetered private fire lines. (i) Where private fire lines are not metered, no water shall be used from such lines or from any fire hydrant thereon except to fight fire or while being inspected in the presence of an authorized agent of the city.

(ii) All private fire hydrants shall be sealed by the city and shall be inspected at regular intervals to see that they are in proper condition and no water shall be used therefrom in violation of the city's rules and regulations. When a seal is broken on account of fire or for any other reason, the customer taking such service shall give the city written notice of such occurrence as soon as possible. (Ord. #0-2005-10, Dec. 2005)

18-123. Customer's piping and fixtures--standards. (1) All water piping beyond the meter shall be installed and maintained at the expense of the customer.

(2) By furnishing service to a customer, the city assumes no responsibility for seeing that the customer's piping and or plumbing fixtures comply with any local codes or regulations. (Ord. #0-2005-10, Dec. 2005)

18-124. Right of access. The city's properly identified employees and agents shall have access to customer's premises at all reasonable times for the purpose of reading meters, testing, and repairing or changing any or all equipment belonging to the city or testing water delivered to the customer's premises. (Ord. #0-2005-10, Dec. 2005)

18-125. Inspection. The city shall have the right, but shall not be obligated to inspect any installation before water is introduced at a later time. The city reserves the right to refuse service or discontinue service to any piping

or plumbing fixtures or from violations of any local codes or regulations or the provisions of any special contract or from accidents which may occur on the customer's premises. (Ord. #0-2005-10, Dec. 2005)

18-126. Notice of trouble. Customers shall notify the city immediately should the water service be unsatisfactory for any reason, or should there be any defects, trouble or accidents affecting the supply of water. Such notices, if verbal, should be confirmed in writing. (Ord. #0-2005-10, Dec. 2005)

18-127. Customer's responsibility for city property. All meters, service connections and other equipment furnished and maintained by the city shall be, and remain, the property of the city. Customers shall exercise proper care to protect the property of the city on the customer's premises and in the event of loss or damage to the city's property, arising from the failure of the customer to take proper care of the same, the cost of necessary repairs or replacement shall be paid by the customer. (Ord. #0-2005-10, Dec. 2005)

18-128. Customer's responsibility for violation of rules and regulations. Where the city furnishes water services to a customer, such customer shall be responsible to the city for all violations of the rules and regulations and rate schedules of the city, which violations occur on the premises served or in connection with any such service. Personal participation by the customer in any such violation shall be necessary to impose personal responsibility on the customer. (Ord. #0-2005-10, Dec. 2005)

18-129. Customers not to supply water to others. (1) No customer purchasing water from the city shall directly or indirectly sell, sublet, assign, or otherwise dispose of water so purchased to others without first having received written permission the city. Customers shall not supply water, nor allow water to be carried or run through a hose or pipe, or otherwise, to more than one (1) dwelling unit or business unit without first having received written permission from the city.

(2) Where permission is granted for more than one (1) dwelling unit or business unit to be sewed through a single meter the method of charging for such services are as described in § 18-116 above. (Ord. #0-2005-10, Dec. 2005)

18-130. Cross-connections.¹ (1) No cross-connections of any kind shall be permitted between the water supply from the city's mains and the water supply from any other sources.

¹Municipal code reference

Cross-connections: title 18, chapter 4.

(2) A cross-connection shall have the same meaning as that contained in the rules and regulations of the Tennessee Department of Environment and Conservation. The city shall not be obligated to connect to, or render water service to new buildings or to buildings or premises not now approved for water service until such time as a certification is made that no cross-connection exists. (Ord. #0-2005-10, Dec. 2005)

18-131. Water turned on by customer. If the city discontinues water service for nonpayment of a bill, or for any other reason, and the water is turned on without authority of the city, the city shall have the right to discontinue service, remove the meter and charge a fee as per schedule of rates and charges for reinstalling or reconnecting the meter. The city will not be required to again furnish service until all charges against the customer or owner, as the case may be, have been fully paid. (Ord. #0-2005-10, Dec. 2005)

18-132. Damage to property due to water pressure. The city shall not be liable for any damage to a customer's plumbing or property, which damage may be caused by high pressure or by low pressure, or by fluctuations in pressure in the city's water mains. (Ord. #0-2005-10, Dec. 2005)

18-133. Interruption of service. The city will use reasonable diligence in attempting to provide a regular and uninterrupted supply of water, but, in case the supply of water should be interrupted, for any cause, the city shall not be liable for damages resulting therefrom. (Ord. #0-2005-10, Dec. 2005)

18-134. Restricted use of water. In times of emergency or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which the customer may use during such periods. (Ord. #0-2005-10, Dec. 2005)

18-135. Bills for service. (1) The city shall combine charges for sewer and water services in one (1) statement and shall bill the beneficiary of such services in such manner as to require the payment of both charges as a unit, and to enforce the payment of such charges by discontinuing either water service or sewer service or both. The city shall not accept payment of water service charges from any person without receiving at the same time payment of any sewer service charges owed by such person.

(2) Bills for residential service shall be rendered monthly.

(3) Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly at the option of the city.

(4) Bills must be paid on or before the due date shown thereon to obtain the net rate; otherwise, the gross rate shall apply. Failure to receive bill will not release customer from payment obligation, nor extend the due date.

(5) In the event bills are not paid by the penalty date, service may be discontinued to the customer and not again resumed until all bills are paid, and the city shall not be liable for the damages on account of discontinuance of service any time after the penalty date, even though payment of such bills is made on the same day either before or after the service is actually discontinued.

(6) Should the date for the final payment of a bill at the net rate fall on a Sunday or a holiday, the business day next following the final date will be held as the last day to obtain the net rate. Net remittance received by mail after the discount date will be accepted by the city if the incoming envelope bears the United States Post Office date stamp of the discount date or any date prior thereto.

(7) The city may elect to read meters less frequently than each month to reduce meter reading expense or for other reasons. If the city elects to read meters less frequently than monthly, the city reserves the right to render an estimated bill to its customers for any billing period for which such customer's meter is not read. If a subsequent meter reading shows that the estimated bill was based upon an erroneous estimate of consumption, the city at its option will either adjust the estimated bill to correct the error or make a compensating adjustment in a later bill.

(8) The city shall not be obligated to make adjustments of any bills unless within ninety (90) days after the questioned bill is paid, the customer files with the city a written objection to said bill specifying the basis for the desired adjustment.

(9) The city shall be under no obligation to extend the due date or the time for paying any bills to the city because the customer disputes the amount of the bill or liability for the bill. The customer shall have the right to pay any disputed bill under protest provided the customer at the time of payment gives the city written notice that the payment is being made under protest together with a written statement of the ground or grounds upon which the customer questions the correctness of the bill; and any such payment thus made under protest shall not be considered a voluntary payment provided the customer files suit to recover the questioned payment within ninety (90) days after such payment is made.

(10) No customer shall be entitled to pay any bill at the net rate while delinquent in the payment of any obligation owed the city.

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

(12) When a customer has two (2) or more accounts that are payable at different times and wants the same due dates for such accounts, or when other conditions make desirable the use of a due date different from that provided in these rules and regulations, such due date may be established on the customer's application, provided such due date is approved by the city manager.

(13) To the extent that any sales or other tax is payable by a customer on any service provided by the city and the city is obligated to collect such tax from the customer, the customer's failure to pay any such tax shall have the same effect as such customer's failure to pay all or any part of the charge for the service to which such tax is attributable. Failure of the city to bill the customer for all or any part of any such tax will not release or otherwise affect the customer's obligation to pay such tax to the city at any later time.

(14) The city may at its option make adjustments in water (and sewer) bills where excessive billing is directly traceable to hidden leaks, with the adjustment being made on the basis of the city absorbing, writing off (in dollars and cents, not gallons) no more than one-half (1/2) of the overage directly traceable to such hidden leaks, with the customer paying the normal billing (normal billing shall be based on average of six (6) monthly bills just previous to abnormal bill). If the customer does not have six (6) months previous bills, then an average of the total bills shown on the utility records, plus at least one-half (1/2) on the overage directly traceable to such hidden leaks. Hidden leaks are herein defined as those leaks which the customer could not reasonably have been expected to find until a bill for excessive consumption indicated the presence of such leaks in interior plumbing.

(15) No adjustment in billing shall be made where premises are vacated without a notice to discontinue service having been given to the city.

(16) Nothing contained herein shall authorize the city to discontinue service or take other action without complying with all lights or a customer due process of law. (Ord. #0-2005-10, Dec. 2005)

18-136. Procedure for discontinuation of service. In all cases where the city has determined that cause exists justifying the termination or discontinuation of water and sewer service to a customer, the following procedures shall be followed. Notice shall be given to the customer stating that their water and sewer service is going to be discontinued, the date upon which the discontinuance is to be effective and the reason or reasons for the discontinuance of water and sewer service. The notice shall further specify that in the event they wish to contest the action or dispute the reasons for the proposed action, they may contact the city and meet with the city manager or the city manager's designee in an effort to resolve the dispute before the scheduled discontinuation of service. (Ord. #0-2005-10, Dec. 2005)

18-137. Discontinuance of service, refusal to connect service.

(1) The city shall have the right to discontinue service or to refuse to connect service for a violation of or failure to comply with any provision of the following:

- (a) Rules and regulations, including the applicable schedule of rates and charges.
- (b) The customer's application for service.

(c) The customer's contract for service.

(d) The payment of any obligation due the city, including any required deposit.

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

(2) Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for payment for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

(3) The city shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or time to which such service is to be furnished, is in default in the payment of any obligation to the city or has previously had his service disconnected because of a violation of the rules and regulations of the city.

(4) If the city should, for any reason, begin to render service to an applicant to whom the city has a good and valid reason for refusing to render such service, the city shall have the right to discontinue such service at any time within one (1) year after such service has begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered. (Ord. #0-2005-10, Dec. 2005)

18-138. Reconnection charge. (1) The customer shall pay all costs for discontinuance of service for temporary repairs, and for other purposes for the customer's exclusive benefit with the minimum charge for such disconnection as shown in the schedule of rates and charges.

(2) Whenever service has been discontinued as provided for above, or for nonpayment of bills, a reconnection charge may be collected by the city as shown in the schedule of rates and charges. (Ord. #0-2005-10, Dec. 2005)

18-139. Termination of service by customer. (1) Under no circumstances will the continuance or discontinuance of water service be used as means of forcing an occupant of any premises to surrender possession thereof.

(2) Where water service being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract.

(3) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, to discontinue service, the customer shall not be responsible to the city

for charges for any service furnished after the expiration of such ten (10) days period. (Ord. #0-2005-10, Dec. 2005)

18-140. Liability for cut-off failure. (1) The city's liability shall be limited to the forfeiture of the right to charge the customer for water that is not used but is received from a service connection under any of the following circumstances:

(a) After receipt of at least ten (10) days written notice to discontinue the water service, the city has failed to discontinue such service.

(b) The city has attempted to discontinue service but such service has not been completely cut off

(c) The city has completely cut off service, but subsequently the cut-off develops a leak or is turned on again by the representatives of the city so that water enters the customer's pipes from the city's mains.

(2) Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damage for cut-off failures, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained, after his water service has been cut off. (Ord. #0-2005-10, Dec. 2005)

18-141. Relocation of facilities. (1) The city will bear the expense of relocating meters, service connections, mains and any and all other distribution facilities owned by the city where the relocation work is performed for the sole convenience of the city.

(2) The cost of relocating meters, and service connections, is covered in the extension policies of the city. Where other water distribution facilities owned by the city other than service connection and meters, are relocated for the sole purpose of convenience of the customer, the cost of such relocation work performed by the city will be paid to the city by the customer requesting the facilities to be relocated.

(3) The allocation of costs involved in relocating meters, service connections, mains and any and all other water distribution facilities of the city for the mutual convenience and advantage of the customer and the city will be determined by negotiations between the two parties. (Ord. #0-2005-10, Dec. 2005)

18-142. Standby and resale service. All purchased water (other than emergency or standby service) used on the premises of customer shall be supplied exclusively by the city and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (Ord. #0-2005-10, Dec. 2005)

18-143. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, spigots or fire hydrants, without permission or authority from the city. (Ord. #0-2005-10, Dec. 2005)

18-144. Connections with fire hydrants. Whenever the city authorizes a connection to be made to a fire hydrant, the person or persons making such a connection shall attach to the fire hydrant outlet a reducing coupling and an independent valve for regulating the water supply. The main valve for the fire hydrant must be opened full at the beginning of work each day and shall remain open until the close of work for such day, during which working period the water supply shall be regulated entirely by the independent valve. No wrench shall be used in the operation of the fire hydrant unless the type of such wrench has been approved for such use by the city. No water leakage shall be allowed in such use of water from a fire hydrant. (Ord. #0-2005-10, Dec. 2005)

18-145. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city. All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of the city's rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall give the city written notice of such occurrence as soon as possible. (Ord. #0-2005-10, Dec. 2005)

18-146. Continuous flow on unmetered service. No customer taking water through an unmetered service shall use any device requiring or allowing a continuous flow of water unless such use has been approved in writing by the city. (Ord. #0-2005-10, Dec. 2005)

18-147. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Ord. #0-2005-10, Dec. 2005)

18-148. Interruption of service. The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair and extension of the city's water system the water supply may be cut off without notice, when necessary or desirable; and each customer must be prepared for such

emergencies. The city shall not be held liable for any damages from such interruption of service or for damage from the resumption of service without notice after any such interruption. (Ord. #0-2005-10, Dec. 2005)

18-149. Conflict. In the case of conflict between any of the provisions of the rules and regulations and the schedule of rates and charges, the provisions of the schedule of rates and charges shall apply. (Ord. #0-2005-10, Dec. 2005)

18-150. Revisions. These rules and regulations may be revised, amended, supplemented or otherwise altered or changed from time to time. Such changes, when effective, shall have the same force and effect as the present rules and regulations. (Ord. #0-2005-10, Dec. 2005)

18-151. Separability. If any clause, sentence, paragraph, section or part of these rules and regulations or the city's schedule of rates and charges shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining part of these rules and regulations or the city's schedule of rates and charges. (Ord. #0-2005-10, Dec. 2005)

18-152. Filing and posting. A copy of these rules and regulations, together with a copy of the city's schedule or rates and charges, shall be kept open for inspection at the offices of the city. (Ord. #0-2005-10, Dec. 2005)

CHAPTER 2

WASTEWATER RULES AND REGULATIONS

SECTION

- 18-201. Purpose.
- 18-202. Scope.
- 18-203. Definitions.
- 18-204. Provision of service.
- 18-205. Inspections.
- 18-206. Notice of trouble.
- 18-207. Customer's responsibility for violation of rules and regulations.
- 18-208. Discontinuance of service; refusal to connect service.
- 18-209. Requirements for proper wastewater disposal.
- 18-210. Physical connection to the public sewer.
- 18-211. Inspection of connections.
- 18-212. Sewer connection fees.
- 18-213. Maintenance of building sewers and service lines.
- 18-214. Availability.
- 18-215. Requirements.
- 18-216. Applications for discharge of domestic wastewater.

18-201. Purpose. The following rules and regulations set forth uniform requirements for the disposal of wastewater in the service area of the City of Maynardville wastewater treatment system. The objectives of these rules and regulations are:

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

Meeting these objectives requires that all persons in the service area of the City of Maynardville must have adequate wastewater treatment either in

the form of a connection to the city's wastewater treatment system or an appropriate private disposal system. The rules and regulations also provide for the issuance of permits to system users for the regulation of wastewater discharge volume and characteristics, for monitoring and enforcement activities, and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein. (Ord. #0-2005-10, Dec. 2005)

18-202. Scope. (1) These rules and regulations and applicable rate schedules are a part of all contracts for receiving wastewater service from the city whether the service is based upon contract, agreement, signed application or otherwise.

(2) The rules and regulations apply to all persons who are located within the service area of the City of Maynardville and who are users of the City of Maynardville Wastewater Treatment System.

(3) Except as otherwise provided herein, the city manager or his designee shall administer, implement, and enforce the provisions of the rules and regulations. (Ord. #0-2005-10, Dec. 2005)

18-203. Definitions. For the purpose of these rules and regulations, and unless the context specifically indicates otherwise, the following terms shall have the meaning ascribed:

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

(2) "Availability of sewer, having a public sewer available or public sewer is available" shall mean having sewer lines of sufficient depth to allow gravity flow from the first floor and adjacent to any property line providing that the property is developed and that occupied structures or structures intended to be occupied are within two hundred (200) linear feet of the public sewer.

(3) "B.O.D." (biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade (sixty eight (68) degrees fahrenheit), expressed in milligrams per liter.

(4) "Building sewer" shall mean that portion of the sewer contained within the building proper.

(5) "Categorical standards" are those pollutant limits or standards for either new or existing specific industrial users established pursuant to and in accord with 40 C.F.R. § 403.6.

(6) "COD" (chemical oxygen demand) shall mean the quantity of oxygen utilized in the rapid oxidation of organic matter by a strong chemical oxidant in accordance with "standard methods," expressed in milligrams per liter.

(7) “Chlorine demand” shall mean the amount of chlorine required to produce a free chlorine residual of 0.1 mg/l after thirty (30) minutes contact time, expressed in milligrams per liter.

(8) “City” shall mean the City of Maynardville, Tennessee.

(9) “Cleanout” shall mean a wye connection, a vertical extension pipe and a screwed cap used for access to clean out a lateral.

(10) “Color” means the optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(11) “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

(12) “Commercial and industrial use” shall mean all uses, with the exception of domestic use as defined in this chapter.

(13) “Compatible wastes” shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in a publicly-owned treatments works NPDES permit for which the publicly-owned treatment works is designed to treat such pollutants and in fact does treat such pollutants to a substantial degree.

(14) “Connection charge” shall mean that charge levied to defray the expenditure required to process the application, inspect the connection and approve the discharge permit.

(15) “Connection” shall mean any physical tie or hookup made to a sewer line owned, operated, and maintained by the city.

(16) “Cooling water” shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

(17) “Customer” shall mean any person who receives sewer service from the city under either any express or implied contract requiring such person to pay the city for such service.

(18) “Domestic use” of the facilities of the wastewater control system shall be defined and limited to single-family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for disposal of domestic wastewater and use for residential purposes only.

(19) “Dwelling unit” shall mean any structure occupied by one (1) or more persons of a single family for residential purposes. Apartment building and other structures occupied by more than one (1) family shall be considered multiple dwelling units.

(20) “Dwelling unit equivalent” is that daily wastewater flow volume equal to the daily wastewater flow volume of one (1) single family dwelling unit which, for the purpose intended in these regulations, is established at three hundred (300) gallons per day.

(21) “Environmental Protection Agency” or “EPA,” means Environmental Protection Agency, an agency of the United States or, where

appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

(22) "Extra strength wastewater" shall be defined as any wastewater that has any characteristics or combination of characteristics exceeding the characteristics or normal domestic wastewater and that requires effort or expenditure over and above that required for treatment of normal domestic wastewater.

(23) "Floating oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

(24) "Grab sample" is an individual sample collected over a period of time not exceeding fifteen (15) minutes and consistent with that procedure described in 40 C.F.R. 403, Appendix E.

(25) "Grease and oil" shall mean the group of substances with similar physical characteristics, which includes fatty acids, soaps, fats, waxes, oils and any other material solvent extracted and not volatilized during evaporation of the solvent.

(26) "Incompatible waste" shall mean all pollutants other than compatible as defined within.

(27) "Indirect discharge" or "discharge" means the introduction of pollutants into the city's wastewater treatment facility from any non-domestic source regulated under § 307(b)(c) or (d) of the Act.

(28) "Industrial user" or "user" means a source of indirect discharge.

(29) "Industrial waste" are the liquid wastes, other than domestic wastewater, resulting from processes or operations employed in industrial or commercial establishments.

(30) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the city's wastewater treatment facility, its treatment processes or operations, or its sludge processes, use or disposal; and

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

(31) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface groundwater.

(32) "National pretreatment standard," "pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 40 C.F.R. section 403.5.

(33) "National Pollution Discharge Elimination System" or "NPDES permit" or "permit" means a permit issued to the city for the operation of its treatment works pursuant to section 402 of the Act.

(34) "New source" means:

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

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

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

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

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

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

(i) Begun, or caused to begin as part of a continuous onsite construction program

(A) Any placement, assembly, or installation of facilities or equipment, or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings,

structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(35) "Normal domestic wastewater" shall be regarded as "normal" for the city. Normal domestic wastewater shall contain a daily average of not more than three hundred (300) milligrams per liter of suspended solids; not more than two hundred forty (240) milligrams per liter of BOD; and not more than fifty (50) milligrams per liter of grease and oil.

(36) "Pass-through" means a discharge which exits the city's treatment works into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

(37) "Penalty date" shall mean the date of fifteen (15) days after the date of the bill, except when some other date is expressly required by these rules, regulations and rate ordinances, or by an agreement approved by the city. The penalty date is the last date upon which sewer bills can be paid at net rates.

(38) "Person," "enterprise," "establishment," or "owner" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or other legal entity, or their legal representatives or assigns, or society using the wastewater control system. This definition includes all federal, state or local governmental entities.

(39) "pH" means the negative logarithm of the hydrogen ions concentration expressed in standard units.

(40) "Treatment plant" means that portion of the city's wastewater treatment plant which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(41) "Premise" shall mean any structure or group of structures operated as a single business or enterprise provided, however, the term "premise" shall not include more than one (1) dwelling.

(42) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the city's wastewater control system. The reduction or alteration may be obtained by physical, chemical or biological processes, by process changes, or by other means, except as prohibited by 40 C.F.R. section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or other facilities for protection against surges or slug

loadings that might interfere with or otherwise be incompatible with the city's wastewater control system. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or other wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. section 403.6(e).

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

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

(45) "Plumbing inspector" shall mean the compliance officer of the city.

(46) "Public sewer" shall mean a sewer controlled by the city.

(47) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. It also includes the city's wastewater treatment plant. The term also means the municipal as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(48) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste without the admixture of surface water and storm sewer.

(49) "Sanitary wastewater" shall mean wastewater discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institution, and free from storm and surface water.

(50) "Service line" shall mean that portion of the sewer extending from the sewer lateral to the building proper.

(51) "Sewer" shall mean a pipe or conduit for carrying wastewater.

(52) "Sewer improvement charge" shall mean the amount charged to the owner or occupant of each occupied lot or parcel of land which was furnished access to sewer lines to finance and amortize construction of the sewerage collection system extension. The amount of the charge and terms of payment shall be set forth in the schedule of rates and charges.

(53) "Sewer lateral" or "lateral" shall consist of the pipe line extending from any sewer main of the city to a private property line or public right of way.

(54) "Sewer service charge" and "wastewater service charge" shall be synonymous and shall mean the amount charged to the customer for operation, maintenance and capital improvements for the wastewater control system.

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

(56) "Significant industrial user." (a) Except as provided in subsection (b), the term "significant industrial user" means:

(i) All industrial users subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(ii) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of processed wastewater to the city (excluding sanitary, non-contact, cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the city's treatment plants; or is designated as such by the control authority as defined in 40 C.F.R. 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the city's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(b) Upon a finding that an industrial user meeting the criteria in subsection (a)(ii) has no reasonable potential for adversely affecting the city's operation or for violating any pretreatment standard or requirement, the control authority (as defined in 40 C.F.R. 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or city, and in accordance with 40 C.F.R. 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(57) "Slug discharge" means any discharge of water or wastewater of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.

(58) "Standard Industrial Classification" or "SIC" shall mean a classification pursuant to the National Industrial Classification Manual issued by the Executive of the President, Office of Management and Budget, 1972.

(59) "Standard methods" shall mean standard methods for the examination of waste and wastewater, latest edition, published by the American Water Works Association and the Water Pollution Control Federation.

(60) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch, or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(61) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in wastewater, and which are removable by laboratory filtering.

(62) "Submission" means

(a) A request by the city or POTW for approval of a pretreatment program to the EPA or a director;

(b) A request by the city to the EPA or a director for authority to revise the discharge limits in categorical pretreatment standards to reflect the city's wastewater treatment plant pollutant removal; or

(c) A request to the EPA by an NPDES state for approval of its state pretreatment program.

(63) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic and which is under regulations promulgated by the administrator or the Environmental Protection Agency under the provision of 33 U.S.C. 1317, section 307.

(64) "Twenty-four-hour flow proportional composite sample" shall mean 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 and combined to form a representative sample.

(65) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(66) "User" shall mean any occupied property or premise having a connection to the sewer system or having access thereto.

(67) "Wastewater" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface or storm water as may be present.

(68) "Wastewater control system" shall mean all facilities for collecting, pumping, treating and disposing of wastewater and sludge.

(69) "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating wastewater and sludge.

(70) "Waters of the state" shall mean 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.

(a) Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

In the event of any conflict between the definitions of any form contained in this ordinance and those contained in the Act or the regulations adopted pursuant thereto, the definitions of the Act or regulations shall govern the meaning of the term. (Ord. #0-2005-10, Dec. 2005)

18-204. Provision of service. (1) The city will endeavor to furnish continuous wastewater service, but does not make guarantee of such service to the customer, and shall not be liable for any interruption of service whatsoever.

(2) In connection with the operation, maintenance, repair and extension of the city's wastewater system, the city retains the right to interrupt service without notice, whenever necessary or desirable; and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service, or for damage from the resumption of service without notice after any such interruption.

(3) The city retains the right to restrict the use of its wastewater collection, treatment, and disposal facilities in any reasonable manner necessary for the protection of the system. (Ord. #0-2005-10, Dec. 2005)

18-205. Inspections. (1) The city shall have the right, but not be obligated to inspect in any manner any service line, installation or plumbing system before wastewater service is furnished or at any later time. The city reserves the right to refuse or discontinue service to any service line, plumbing system or other installation not in accordance with the standards fixed by the city ordinances regulating plumbing, or not in accordance with any special contract, these rules and regulations, the city's standard specifications for sewer construction, or other requirements of the city.

(2) The city's identified representatives and employees shall be granted access to the customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to determine that the city's rules and regulations are being complied with.

(3) Any failure to inspect or reject a customer's service line, installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (Ord. #0-2005-10, Dec. 2005)

18-206. Notice of trouble. Customer shall notify the city immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of water. Such notice, if verbal, should be confirmed in writing. (Ord. #0-2005-10, Dec. 2005)

18-207. Customer's responsibility for violation of rules and regulations. Failure upon the customer or user's part to comply with any of the rules and regulations of the city shall give the city the right to discontinue service, and such service shall not be reestablished until the customer has complied with all of the rules and regulations of the city pertaining to the supplying of wastewater treatment services. Personal participation by the

customer in any such violations shall not be necessary to impose personal responsibility on the customer. (Ord. #0-2005-10, Dec. 2005)

18-208. Discontinuance of service; refusal to connect service.

(1) The city shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with any provision of the following:

(a) The rules and regulations, including the schedule of rates and charges.

(b) The customer's application for service.

(c) The customer's contract for service.

(d) The payment of any obligation due the city including any required deposit.

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

(3) Discontinuance of service by the city for any causes stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

(4) The city shall have the right to refuse service to any applicant whenever the applicant or any member of the household, company or firm to which such service is to be furnished is in default in the payment of any obligation to the city or has theretofore had his service disconnected because of a violation of the rules and regulations of the city.

(5) If, for any reason, the city begins rendering service to an applicant to whom the city has a good and valid reason for refusing service, the city shall have the right to discontinue such service without cause at any time within one (1) year after such service is begun.

(6) The city reserves the right to discontinue or refuse any or all city provided services in lieu of wastewater service for any violation of the previously mentioned provisions of this section. (Ord. #0-2005-10, Dec. 2005)

18-209. Requirements for proper wastewater disposal. With the increasing concern and emphasis being placed on groundwater quality by regulatory agencies and the general public, the city feels strongly that it has environmental responsibilities to all those living and working within its service area and should take certain steps to ensure or enhance the quality of water reaching both our surface streams and groundwater supplies. While the city recognizes that customers with properly functioning private systems would prefer utilizing these systems for as long as possible, we cannot deny the potential problems which these systems pose to the area's ecology. Accordingly,

the city will strongly encourage all customers within its service area to connect to sanitary sewers when and where they are available.

(1) It is prohibited to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with §§ 18-209(3), (4), (5) and (6) below, of these rules and regulations.

(2) Except as provided in (3) and (4) of this section, it is prohibited to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(3) Except as provided in subsections (4) and (5) of this section, the owner of all houses, buildings, or other properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, easement, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these rules, within thirty (30) days after date of official notice to do so, provided that said public sewer is available as defined herein. Use of any septic tanks, cesspools, and similar wastewater disposal facilities shall be abandoned at such time of connection with the public sewer system.

(4) If, at the time sewer becomes available, a building is properly connected to a private sewer system complying with the provisions of §§ 18-214 and 18-215 of these rules and regulations, the owner shall not be required to connect to the public sewer. Where sewer is available, however, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for wastewater service, regardless of the status of any connection to a private system.

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

(6) Where a public sanitary sewer is not available as defined in these regulations, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 18-214 and 18-215 of these rules and regulations.

(7) If, at any time, a documented failure of a private system within the service area of the city occurs the owner shall be required to connect to an available sewer within thirty (30) days of notification by the city manager. Failure to comply with the order to connect to an available system will constitute grounds for the discontinuance of any or all city services in lieu of wastewater service as set forth in §§ 18-207 and 18-208 of these rules and regulations. (Ord. #0-2005-10, Dec. 2005)

18-210. Physical connection to public sewer. (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 permission from the city manager as required by § 18-216 and, when industrial pretreatment is required, in compliance with the provisions of § 18-301, et seq.

(2) The city will only install wastewater connections (laterals) from the main to the property line or right of way of the customer. A cleanout or wye connection will be installed at the customer's property line or right of way and will mark the limit of the city's portion of the sewer. All service connections to the city's wastewater system shall be made at a suitable location selected by authorized personnel of the city and according to proper sizes and grades for service connections as established in the city's standard specifications for sewer construction. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner.

(3) Services lines shall conform to the requirements set forth in the city's "standard specifications for sewer construction." The service line of the owner shall be installed at the owner's expense and shall be at least ten (10) feet distant from any water service line. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the service line.

(4) A separate and independent service line shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service line from the front building may be extended to the rear building and the whole considered as one service line. Housing, buildings or properties having one roof line and containing multi-occupancy units may be connected to the city system by means of a single lateral, providing such lateral is shown to have adequate capacity to carry the maximum quantity of wastewater in accordance with the city's "Standard Specifications for Sewer Construction" and the city's standard plumbing code.

(5) Old service lines may be used in connection with new buildings only when they are found, on examination and testing by the city manager or his/her authorized representatives, to meet all city requirements in effect at that time. All others must be sealed to the specifications of the city.

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

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is

connected directly or indirectly to a public sanitary sewer. (Ord. #0-2005-10, Dec. 2005)

18-211. Inspection of connections. (1) The sewer connection and all service lines from the building to the public sewer main line shall be installed in accordance with the city's specifications, and inspected by the city manager or his/her authorized representative before the underground portion is covered. In areas requiring permitting and inspection of laterals by the city or other government bodies and/or their representatives, the city inspection will be limited to that portion of the line not on private property.

(2) The applicant for discharge shall notify the city manager 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/her representative. (Ord. #0-2005-10, Dec. 2005)

18-212. Sewer connection fees. (1) A sewer connection fee for a building sewer installation shall be paid prior to installation of a new lateral by the city. This fee shall constitute a contribution in aid of construction and shall cover the costs of installing the lateral, inspection of the sewer service lines and service connections to the public sewers. The fee shall be set by the city based on the estimated cost for the average lateral installation for the previous fiscal year. (Ord. #0-2005-10, Dec. 2005)

18-213. Maintenance of building sewers and service lines.

(1) Each individual property owner or user of the city's wastewater treatment system shall be entirely responsible for the maintenance of the building sewer and service line located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the city manager to meet specifications of the city. Failure to perform the proper maintenance of the service line will constitute grounds for discontinuation of service as set forth in § 18-208 of these rules and regulations.

(2) The city will be responsible for the maintenance and upkeep of all wastewater laterals supplied with a cleanout or wye connection at the property line or right of way of the customer, regardless of whether such lateral may have been installed by the city. Maintenance and upkeep of wastewater laterals not so supplied with a cleanout or wye at the property line or right of way shall be the sole responsibility of the customer.

(3) Should the city's inspector find that a property owner or user has failed to maintain said lateral and/or service line in accordance with the city's specifications and regulations, the city's inspector shall give notice of the insufficiency to said owner or user, or his duly authorized agent. At the discretion of the city manager, such repairs as deemed necessary to remedy the insufficiency may be performed by city personnel and all cost associated with the repair added to the sewer service charge payable by the owner. Failure to

remedy the insufficiency within a reasonable time or to pay the cost of repairs performed by city personnel will constitute grounds for discontinuation of service as set forth in § 18-208 of these rules and regulations. (Ord. #0-2005-10, Dec. 2005)

18-214. Availability. (1) Where a public sanitary sewer is not available as defined in § 18-203(2), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) For any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to one-eighth (1/8) inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in §§ 18-209 through 18-213, the owner may elect to provide a private sewage pumping station in accordance with any applicable local plumbing or building codes. The private pumping station will be maintained at the owner's expense.

(3) Where a public sewer becomes available, the building sewer shall be connected to said sewer within thirty (30) days after date of official notice to do so. (Ord. #0-2005-10, Dec. 2005)

18-215. Requirements. (1) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the city manager or his/her authorized representative stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil than that specified by the Union County Health Department.

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

(3) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Union County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Union County Health Department when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Union County Health Department.

(4) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation and the Union County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

(6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Union County Health Department. (Ord. #0-2005-10, Dec. 2005)

18-216. Applications for discharge of domestic wastewater.

(1) Standard contract (a) All users or prospective users which generate domestic wastewater are required to make written contract with the city upon standard contract forms which shall be supplied by the city. This contract shall include, but not be limited to, the location of the premises to be served, including street, lot number, and relative elevation of the main floor or basement of the premises.

(b) Connection to the municipal sewer shall not be made until the application is received and approved by the city manager, the building sewer is installed in accordance with §§ 18-209 through 18-213 above, and an inspection has been performed by the superintendent or his/her representative.

(c) Any use of wastewater services shall implicitly bind the customer by the terms of the applicable standard contract, regardless of whether a written contract has been signed.

(2) Ownership dispute Should application for service be made for a premises concerning which the city knows there is a dispute as to ownership or the right of occupancy, and one or more of the claimants attempts to prevent such service from being furnished, the city reserves the right to adopt either of the following alternatives:

(a) To treat the applicant in actual possession of the premises to be served, as being entitled to such service, irrespective of the rights or claims of the other persons.

(b) To withhold service, pending a judicial or other settlement of the rights of the various claimants.

(3) Obligation to provide service The receipt of a prospective customer's application for service shall not obligate the city to render service. If the service cannot be supplied in accordance with the rules, regulations, and general practice of the city, the connection charge will be refunded in full. The city shall not be liable to the applicant for service. Conditional waivers for additional services may be granted by the city manager for interim periods if compliance may be assured within a reasonable period of time.

(4) Termination of service by customer (a) Customers who have contracts guaranteeing a minimum charge and who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract

term will not relieve the customer from any minimum charge guaranteed payment under the contract or any applicable rate schedule.

(b) Under no circumstances will the continuance or discontinuance of service be used as a means of forcing the occupant of premises to surrender possession thereof.

(c) When service is furnished to a premises under a contract which is not in the occupant's name, the city reserves the right to impose the following conditions upon a request for discontinuance of service:

(i) The customer requesting termination of service shall provide written notice to that effect. Following receipt of written notice, the city shall have ten (10) days in which to comply; during which time the customer shall be responsible to the city for all charges of the continued service. If the city continues service after the aforementioned ten (10) day period, the customer shall not be responsible to the city for any service charges incurred subsequent to expiration of the ten (10) day period.

(ii) The occupant of premises to which service has been ordered discontinued may be allowed, by the city, to enter into a contract for service in the occupant's own name, subject to compliance with the city's rules and regulations with respect to new applications for service. (Ord. #0-2005-10, Dec. 2005)

CHAPTER 3

ANIMAL AND VEGETABLE FATS, OILS AND GREASE, SOILS/SAND, LINT TRAPS AND INTERCEPTORS

SECTION

- 18-301. Purpose.
- 18-302. Fat, Oil, and Grease (FOG), waste food, and sand interceptors.
- 18-303. Definitions.
- 18-304. Fat, oil, grease and food waste.
- 18-305. Sand, soil and oil interceptors.
- 18-306. Laundries.
- 18-307. Control equipment.
- 18-308. Solvents prohibited.
- 18-309. Enforcement and penalties.
- 18-310. Alteration of control methods.
- 18-311. Severability.

18-301. Purpose. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plan. (Ord. #0-2010-3B, May 2011)

18-302. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing, fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required where commercial cooking is taking place. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. #0-2010-3B, May 2011)

18-303. Definitions. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

- (1) "Grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or less and is typically located inside the building.
- (2) "Grease trap." An interceptor whose rated flow exceeds fifty (50) g.p.m. and is located outside the building.
- (3) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or

undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity. (Ord. #0-2010-3B, May 2011)

18-304. Fat, oil, grease, and food waste. (1) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(a) Implement the plan within a reasonable amount of time;

(b) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility.

If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required. (Ord. #0-2010-3B, May 2011)

18-305. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (Ord. #0-2010-3B, May 2011)

18-306. Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids two inches (2") or larger in size such as, strings, rags, buttons, or other solids detrimental to the system. (Ord. #0-2010-3B, May 2011)

18-307. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment materials and overhead costs to the city. Nothing in this section shall be construed to prohibit or restrict any other remedy the city has under this chapter, or state or federal law.

The city retains the right to inspect and approve installation of the control equipment. (Ord. #0-2010-3B, May 2011)

18-308. Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents or surfactants are prohibited. The use of live bacteria products requires written approval of the superintendent. (Ord. #0-2010-3B, May 2011)

18-309. Enforcement and penalties. Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. Where a municipality has an industrial pretreatment program, violators may be issued industrial pretreatment permits where failure to follow permit requirements would follow administrative enforcement provisions of the pretreatment program with fines up to ten thousand dollars (\$10,000.00) per day. (Ord. #0-2010-3B, May 2011)

18-310. Alteration of control methods. The city through the superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint. (Ord. #0-2010-3B, May 2011)

18-311. Severability. Each section, subsection, paragraph, sentence, and clause of this chapter is declared to be separable and severable. (Ord. #0-2010-3B, May 2011)

CHAPTER 4

CROSS-CONNECTIONS

SECTION

- 18-401. Introduction.
- 18-402. Authority for cross-connection control.
- 18-403. Program to be pursued.
- 18-404. Procedures for inspections.
- 18-405. Premises requiring reduced pressure principle assemblies or air gap separation.
- 18-406. Premises allowing double check valve assemblies.
- 18-407. Inspection and testing of assemblies.
- 18-408. Parallel units.
- 18-409. Records.
- 18-410. Backflow contamination procedures.
- 18-411. Modifications to plan.

18-401. Introduction. (1) Goal. The goal of the Maynardville Water Department is to supply safe water to each and every customer under all foreseeable circumstances. Each instance where water is used improperly so as to create the possibility of backflow due to cross-connections threatens the health and safety of customers and chances of realizing this goal. The possibility of backflow due to improper use of water within the customer's premises is especially significant because such cross-connections may easily result in the contamination of our water supply mains. Such situations may result in the public water system becoming a transmitter of diseased organisms, toxic materials, or other hazardous substances that may adversely affect large numbers of people. The only protection against such occurrences is the elimination of such cross-connections or the isolation of such hazards from the water supply lines by properly installed approved backflow prevention assemblies. The Maynardville Water Department must continue maintenance of a continuing program of cross-connection control to systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) Plan of action. The Maynardville Water Department is determined to take every reasonable precaution to ensure that cross-connections are not allowed to contaminate the water being distributed to its customers. This cross-connection plan outlines a course of action designed to control cross-connection within the area served by the utility. This plan is intended to be a practical guide for safeguarding the quality of water distributed from becoming contaminated or polluted through backflow. By following the plan of action, the water provider will ensure that all aspects of this ordinance on cross-connection control are being followed by the customer. (Ord. #0-2012-5, June 2012)

18-402. Authority for cross-connection control. A copy of the installation criteria is attached to this plan as appendix A. This chapter prohibits cross-connections within water systems, authorizes the water system to make inspections of the customer's premises, requires that cross-connection hazards be corrected and provides for enforcement. This chapter expresses clear determination on the part of the board of directors that the water system is to be operated free of cross-connections that endanger the health and safety of those depending upon the public water supply. This chapter is considered to be a sound basis for the control of cross-connection hazards by the operating staff and management of the Maynardville Water Department. The provisions contained within this chapter are in keeping with the requirements set forth in Tennessee Code Annotated § 68-221-711(6), and the Tennessee Department of Environment and Conservation Rules, section 1200-5-1-.17(6), governing public water systems. (Ord. #0-2012-5, June 2012)

18-403. Program to be pursued. The Maynardville Water Department will establish an active on-going cross-connection control program. This program is to be a continuing effort to locate and correct all existing cross-connection hazards and to discourage the creation of new problems. Safeguarding the quality of water being distributed to our customers is a high priority concern of the management of the Maynardville Water Department.

(1) **Staffing.** Water provider has designated staffing to ensure that the program to control cross-connections is pursued in an aggressive and effective manner. It is proposed that a minimum of one (1) man at four (4) days per month be allotted to the cross-connection control program initially. Depending on customer preference in scheduling, work related to the testing of devices may occur after hours or on weekends. A cross-connection control coordinator or manager and successor will be named. The cross-connection control coordinator is in charge of implementation of an effective cross-connection control program. The cross-connection control coordinator will ensure that all aspects of the plan and this chapter are followed.

(2) **Cross-connection control surveys/inspections.** A representative of the water system will survey the distribution for all customers, both residential and nonresidential, for possible cross-connections. If it determined from the surveys that possible cross-connection may exist, the premise will be inspected. The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly required and a date of compliance will be sent to the customer.

(a) **Nonresidential.** All nonresidential and commercial establishments are required to have an approved backflow preventer installed that is in agreement to the hazard present or be inspected every five (5) years. The inspections will be performed on all new establishments before water service is established or within ninety (90) days of connection. If there are existing establishments that have not

been inspected, a list agreed upon by state (based on risk and public safety) and timeline for inspection by the water provider will be generated. All nonresidential establishments not requiring an assembly will be inspected (every five (5) years maximum). If establishment changes ownership (name listed on water bill), if plumbing permits are issued, irrigation systems installed, or a well is drilled within the water provider's system, then an inspection will need to be performed (no later than ninety (90) days). The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly required and a date of compliance will be sent to the customer.

(b) Residential. For new residential customers, a written questionnaire will be given upon request for water service. If the survey reveals that a potential cross-connection may be present, an inspection is to be performed. The need for backflow protection will be determined based on the results from the inspection. Notification of the type of backflow prevention assembly required and a date of compliance will be sent to the customer. Each new residential customer will agree to not create cross-connections and a brochure is given to each new customer describing cross-connections and the responsibility of the customer in not creating one.

If the written questionnaire reveals that the new customer may have any of the following, an inspection will be required:

- (i) Lawn irrigation systems;
- (ii) Residential fire protection systems (closed loop systems will require a double check valve minimum);
- (iii) Pools, saunas, hot tubs, fountains;
- (iv) Auxiliary intakes and supplies--wells, cistern, ponds, streams, etc.;
- (v) Home water treatment systems;
- (vi) Hobbies that require extensive amounts of toxic chemicals (taxidermy, metal plating, biodiesel, ethanol production, etc.);
- (vii) Any other situations or conditions listed in the manual or conditions deemed a threat by the water system.

Written questionnaires will be sent to existing residential customers to determine if potential cross-connections exist. The distribution system will be divided into five (5) segments and will be entirely surveyed within five (5) years. The distribution system will continue to be surveyed in this manner. Questionnaires that reveal potential cross-connections based on the criteria above will be inspected and a determination if backflow prevention assemblies are needed.

The system will be surveyed for residential lawn irrigation systems through questionnaires received and by secondary meters. All residential

lawn irrigation systems will require a reduced pressure principle assembly. Residential customers with pools, saunas, hot tubs not filled by a hard pipe directly or indirectly connected may be allowed to use an air gap (and may be requested to use an atmospheric vacuum breaker at the hose bibb). However, if the pool or vessels is connected directly or indirectly by a hard line, a RP is required at minimum.

Residential customers required to have backflow prevention assemblies will be informed of possible thermal expansion problems within the establishment and correction of the condition.

(c) Well system inspections. Wells drilled on properties that are supplied by a public water system, particularly those designed for chemigation and fertigation, will need to be inspected to ensure separation or the premises will require an approved assembly.

Wells that are drilled within the area of the distribution system within the last calendar year are inspected and a well user agreement is signed between the Maynardville Water Department and the customer. A list of existing wells that do not have a well user's agreement within the distribution area will be generated and ten (10) wells per year will be inspected until the entire list has been completed. Any well system that is connected directly or indirectly to the water system is required to disconnect or install a reduced pressure principle assembly. The customer will be required to sign a well user agreement if no assembly is required. It is recommended that inspections be performed on new listings within the year, and then perform inspections on existing, uninspected wells. The list is updated at the local governmental field office and is available to the water system.

New lines that are constructed in areas where residential areas have been mainly supplied by well systems are surveyed and inspected.

(3) Public education and awareness efforts. The Maynardville Water Department recognizes that it is important to inform its customers of the health hazards associated with cross-connections and to acquaint them with the program being pursued to safeguard the quality of water being distributed. The water system will seek to use every practical means available to acquaint the customers with the health hazards associated with cross-connections in an effort to get cooperation. Use of customer notification letters, annual consumer confidence report and local video and print media will be incorporated into the notification plan. Efforts will be made to have an employee, or employees, of the water system to appear before the civic clubs, PTAs, school groups, and other appropriate forums to discuss the problem of cross-connections and the program that is being pursued for their control.

Information will be provided to all customers about cross-connection control and backflow prevention by individual pamphlets or through an article in the Consumer Confidence Report (CCR) at least once per year. A brochure will be given to all new customers requesting water service describing cross-

connections and prevention of backflow. The following measures may also be used to inform customers about the need to control cross-connections:

- (a) Reminders with water bills;
- (b) Posters at the counter where the water bills are paid displayed one (1) month out of the year;
- (c) Annual consumer confidence report;
- (d) (i) Personal visits to commercial, industrial, institutional, and agricultural customers to explain the need for controlling cross-connections.
 - (ii) Whenever possible, any such potential customer will be informed of needed cross-connection measures in the design or construction stage.

(4) Customer's responsibility. Cross-connections, created and maintained by the customer for his convenience endanger the health and safety of all who depend upon the public water supply. Therefore, the customer who creates a cross-connection problem shall bear the expense of providing necessary backflow protection and for keeping the protective measures in good working order. This includes repair, testing, installation, etc.

(5) Enforcement. Where cross-connections are found to exist, the Maynardville Water Department will require the problem to be eliminated or isolated by a properly installed, approved backflow prevention assembly to prevent the possibility of backflow into the distribution system. Such protective measures will include a backflow prevention assembly on the customer's water service line ahead of any water outlets. Every effort will be made to secure the voluntary cooperation of the customer in correcting cross-connection hazards. If voluntary action cannot be obtained with time set forth by written notice ninety (90) days maximum for high and low hazard, fourteen (14) days maximum for high risk high hazards) to the customer, water service will be discontinued until conditions are in line with the water provider's ordinance for the protection of the health and safety of the water distribution system.

After surveys or inspections have been completed, the establishments will be contacted by written correspondence outlining any correction (adding or repairing backflow prevention devices) needed and the time schedule allowed for correction of conditions. If the conditions have not been corrected by the time allotment ninety (90) days maximum for high and low hazard, fourteen (14) days maximum for high risk high hazards), the water service will be discontinued to the establishment, along with any fines or other penalties deemed necessary by the Maynardville Water Department.

The Maynardville Water Department may give additional warnings of discontinuance and/or bring about penalties before the water service is discontinued. The time period for correction will be determined by the water provider, based on the seriousness of the hazard and risk of contamination, ranging from immediate correction or time period of up to ninety (90) days. The maximum allowable time for correction within a maximum limit of fourteen (14)

business days, preferably immediate correction. If the conditions do not satisfy the ordinance or plan within ninety (90) days, water service will be discontinued. In the case of backflow prevention devices on fire systems, it is recommended that the fire marshal be contacted before water service is discontinued, to prevent harm to anyone in case a fire occurred in a public building. The fire marshal can condemn the building, thus not allowing anyone to enter.

Water service will not be allowed to the establishment until all corrections have been made and all conditions of the ordinance have been satisfied. (Ord. #0-2012-5, June 2012)

18-404. Procedures for inspections. The Maynardville Water Department hopes that its efforts to acquaint its customers with the hazards of cross-connections will be successful to the point that the customer will try to maintain their internal water delivery system free of cross-connections. It is recognized that many customers may not recognize that they have a situation that would permit backflow into the water supply lines. Therefore, a thorough investigation will be made of all premises considered likely to have cross-connections. Such inspections will involve the customer's entire water using equipment, and other system components in an effort to locate all actual and potential cross-connections. The findings will be reported to the owner or occupant in writing along with a request for needed corrective action necessary to properly protect the public water system.

(1) Field visit procedures. During the inspection, a field sheet will be completed showing details of significant findings. The hazards which cross-connections pose will be explained fully to the persons assisting the inspection. The customer will be informed that the information gathered during the survey will be reviewed by the water system's management or engineering staff and that a written report containing any recommendations and requirements will be mailed to them as soon as possible.

(2) Reports to customers. The findings of the investigation will be summarized and a written report will be sent to the person assisting in the investigation, or the ranking management official of the establishment. Cross-connections found will be described briefly along with recommended method of correction. An effort will be made to keep the description of the findings and recommendations clear, concise and as brief as possible. The correspondence will indicate a willingness to assist the questions. The customer will be given a time limit for making the needed corrections depending (maximum of ninety (90) days) upon the seriousness of the cross-connections involved and upon the complexity and difficulty of correcting the problems.

(3) Follow-up visits and re-inspections. Follow-up visits will be made as needed to assist the customer and to assure that satisfactory progress has been made. Such visits will continue until all corrective action has been completed to the satisfaction of the water system.

(4) Installation of backflow prevention devices. Where the customer is asked to install a backflow prevention assembly, the customer will be supplied with a list of acceptable and approved assemblies. In addition, minimum acceptable installation criteria will be supplied. It will be pointed out that a unit cannot be accepted until the water system has verified that the installation fully meets the installation criteria and has been tested to verify that the assembly has a status of "passed." Such backflow prevention assemblies must be of a make, model, and orientation currently listed as acceptable by both the water system and Tennessee Department of Environment and Conservation.

(5) Technical assistance. The customer will be urged to notify the water system when they are ready to begin installing either a reduced pressure or double check valve type backflow preventer assembly. The water system cross-connection representative will visit the site to detail how the units must be installed to achieve the desired protection and to minimize maintenance and testing problems. (Ord. #0-2012-5, June 2012)

18-405. Premises requiring reduced pressure principle assemblies or air gap separation. (1) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time fourteen (14) days maximum, depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

(2) High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard:

- (a) High risk high hazards:
 - (i) Mortuaries, morgues, autopsy facilities;
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
 - (iv) Premises with auxiliary water supplies or industrial piping systems;
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment);
 - (vi) Laboratories (industrial, commercial, medical research, school);
 - (vii) Packing and rendering houses;
 - (viii) Manufacturing plants;
 - (ix) Food and beverage processing plants;
 - (x) Automated car wash facilities;
 - (xi) Extermination companies;

- (xii) Airports, railroads, bus terminals, piers, boat docks;
- (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (xiv) Metal plating, pickling, and anodizing operations;
- (xv) Greenhouses and nurseries;
- (xvi) Commercial laundries and dry cleaners;
- (xvii) Film laboratories;
- (xviii) Petroleum processes and storage plants;
- (xix) Restricted establishments;
- (xx) Schools and educational facilities;
- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities;
- (xiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of ninety (90) days maximum will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (Ord. #0-2012-5, June 2012)

18-406. Premises allowing double check valve assemblies. Low hazard. Low hazard is a cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply. Low hazards are protected by double check valve assemblies at minimum. Double check valve (and detector) assemblies used for main line protection are allowed only on Classes 1-3 fire protection systems. (Ord. #0-2012-5, June 2012)

18-407. Inspection and testing of backflow prevention assemblies.

(1) Approval of new installations. The water system will not consider the installation of assemblies to be complete until:

(a) The installation has been inspected, and approved by the water system based installation criteria; and

(b) Assembly is tested initially and has a status of "passed."

(2) Routine inspection and testing of assemblies. To assure that all assemblies are functioning properly, assemblies will be tested every twelve (12) months; by backflow prevention assembly testers with a valid certificate of competency. If an assembly is not tested within the twelve (12) month period, enforcement action will be started. In conjunction with testing the assembly, the water system representative or approved tester will investigate to determine:

- (a) That cross-connections, actual or potential, have not been added ahead of the protective assemblies;
- (b) The assembly meets all installation criteria; and
- (c) The assembly has not been bypassed or altered in some other way to compromise the backflow protection.

All reduced pressure and double check valve backflow assemblies, including detector assemblies, utilized for the protection of the water system will be tested by a person possessing a valid certificate of competency from the state and approved by the water system in keeping with the following criteria:

- (a) Immediately following installation;
- (b) At least every twelve (12) months;
- (c) Any time assemblies have been partially disassembled for cleaning and/or repair and;
- (d) Where there is indication that the unit may not be functioning properly (i.e., excessive or continuous discharges from relief valve, chatter, or vibration of internal parts).

(3) Accepted test procedure. Tests of assemblies will be made using a 3 or 5 valve test kit that has valid annual certification in accordance to the latest approved testing procedure from the division of water supply.

(4) Official tests. Only tests performed by persons possessing a valid certificate of competency will be considered official tests by the water system. All test reports submitted must be of the type approved by the division of water supply. All parts of testing procedures are recorded accurately on the test report with a determination of status (passed or failed). Certificates of competency are not transferrable.

(5) Prior agreements for testing. Prior arrangements will be made for a mutually agreeable time for testing the assemblies prior to performing the test. In all cases, the time which water services are interrupted will be held to a minimum in order to minimize the inconvenience to the customer. The customer, upon notification by the water system, has an obligation to work out a mutually agreeable time for testing assemblies within the time allotted by the water system.

(6) Repairs. Should a protective assembly tested within the twelve (12) month timeframe, be found defective or have a status of "failed," the water system will require the assembly to be repaired promptly with manufacturer's specified parts, in accordance to manufacturer's suggested procedure, and placed in proper operating condition within a (specified) time limit (maximum ninety (90) days, fourteen (14) days for high risk high hazards). Following repairs, the assembly is to be tested again to verify that it is meeting performance standards and have a status of "passed." The owner will be held responsible for maintaining protective in a good state of repairs. The owner of an assembly needing repairs or maintenance will be permitted to do the work, if such owner is properly qualified or the owner may elect to secure the services of someone else experienced in the repair of the assemblies. (Ord. #0-2012-5, June 2012)

18-408. Parallel units. The water system may require the installation of parallel assemblies if the customer cannot readily accommodate interruptions of water service for periodic testing and repairs of the assemblies or is unwilling to cooperate in scheduling a shutdown promptly for testing during normal hours worked by water system personnel. (Ord. #0-2012-5, June 2012)

18-409. Records. (1) Good records are invaluable in the water system's efforts to safeguard the quality of water being distributed against degradation from backflow through cross-connections. Adequate records will be maintained as a part of the water system's permanent files to:

- (a) Document the overall effort of the water system to properly discharge its responsibility to see that each customer receives a safe water under all foreseeable circumstances;
- (b) Give a complete picture as to the current status and history of the individual premises regarding the potential for backflow, corrections made, etc.;
- (c) To support enforcement action, whenever necessary, to obtain backflow protection; and
- (d) Document that assemblies have been properly installed, maintained, and tested routinely.

(2) Records to be maintained by water system will include, but not necessarily be limited to the following:

- (a) Master list of all establishments with assemblies used for premise isolation, including location, assembly used, make, model, size, serial number etc.;
- (b) Correspondence between water system and its customers;
- (c) Copy of approved plan;
- (d) Copy of approved ordinance;
- (e) Test reports for each assembly;
- (f) Copies of certificates of competency for each tester;
- (g) Copies of test kit certifications;
- (h) Site inspection reports;
- (i) Residential written surveys;
- (j) Backflow incident reports;
- (k) Records on initial surveys, recommendations, follow-up, corrective action, routine re-inspections, etc.;
- (l) A file system designed to call to the attention of the cross-connection control personnel when testing and re-inspections of premises are needed; and

(m) Public education pamphlets and information.
(Ord. #0-2012-5, June 2012)

18-410. Backflow contamination procedures. If contamination is caused by backflow, the Maynardville Water Department will take the following actions to protect the health of the customer:

- (1) Isolate the lines containing any contaminant from the distribution system;
- (2) Inform customers with contaminated lines not to consume or use the water;
- (3) Report contamination to the Knoxville field office;
- (4) Determine and separate the cross-connection allowing the backflow and contamination;
- (5) Remove contamination from lines;
- (6) Test and ensure that lines meet division of water supply regulations for safe water;
- (7) Return service to affected customers once water is safe;
- (8) Document the details of the incident including cause, isolation, and correction, and send report to Knoxville field office;
- (9) Continue to survey and inspection system for similar situations that may allow backflow. (Ord. #0-2012-5, June 2012)

18-411. Modifications to plan. This plan may be modified from time to time to meet the needs of the utility and to meet the states requirements. This plan and chapter will be reviewed by the water system every five (5) years to determine if the existing plan meets requirements set forth by the division of water supply and that it promotes an ongoing program. The manager shall be authorized to modify, as needed, this plan without the approval of the water system's governing body. The manager shall report any modifications to this plan to the board for their information, in a timely manner. The manager shall also advise the Knoxville field office of any changes to this plan for their review and comments. (Ord. #0-2012-5, June 2012)

CHAPTER 5**INDUSTRIAL PRETREATMENT ORDINANCE**¹**SECTION**

- 18-501. General provisions.
- 18-502. General sewer user requirements.
- 18-503. Pretreatment of wastewater.
- 18-504. Wastewater discharge permit eligibility.
- 18-505. Wastewater discharge permit issuance process.
- 18-506. Reporting requirements.
- 18-507. Compliance monitoring.
- 18-508. Confidential information.
- 18-509. Publication of industrial user in significant noncompliance.
- 18-510. Administrative enforcement remedies.
- 18-511. Judicial enforcement remedies.
- 18-512. Supplemental enforcement action.
- 18-513. Affirmative defense to discharge violations.
- 18-514. Metered/estimated wastewater volume.
- 18-515. Surcharge costs.
- 18-516. Miscellaneous provisions.
- 18-517. Industrial sewer connection application.

18-501. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for users of the wastewater collection system and the wastewater treatment facilities (wastewater system) for the city for compliance with all applicable state and federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the city's wastewater control system that will interfere with the operation of the city's wastewater control system;

(b) To prevent the introduction of pollutants into the city's wastewater control system which will pass through the city's wastewater control system, inadequately treated, into receiving waters or otherwise be incompatible with the city's wastewater control system;

(c) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

¹Municipal code reference

Plumbing code: title 12, chapter 2.

(d) To protect city's wastewater control system personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(e) To improve the opportunity to recycle and reclaim wastewater and sludge from the city's wastewater control system;

(f) To provide for fees for excess strength of wastewater discharged to the city's wastewater control system.

(g) To enable the City of Maynardville to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the city's wastewater control system is subject.

This ordinance shall apply to all industrial and/or any significant users of the city's wastewater control system. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review and enforcement procedures, requires industrial user reporting, and provides for fees for excess strength of waste discharged to the city's wastewater control system.

(2) Administration. Except as otherwise provided herein, the city manager of the city or his designee shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the city manager may be delegated by the city manager to other personnel.

(3) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

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

(b) "Approval authority" the State of Tennessee and/or United States of America Environmental Protection Agency, Region IV.

(c) "Authorized representative of the industrial user" means:

(i) If the industrial user is a corporation, authorized representative shall mean:

(A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(B) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(iii) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a superintendent or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

(iv) The individuals described in subsections (i) through (iii) above may designate another authorized representative(s) if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the pretreatment program administrator.

(d) "Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade (sixty-eight (68) degrees fahrenheit) expressed in milligrams per liter.

(e) "Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by the United States of America Environmental Protection Agency in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter I., subchapter N, parts 403-471.

(f) "City" means the City of Maynardville or the City Commission of the City of Maynardville.

(g) "Color" means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(h) "Composite sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

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

(j) "Control authority" means the "approval authority," defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(l) "Environmental Protection Agency" or "EPA" means the United States of America Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

(m) "Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

(n) "Grab sample" means an individual sample collected over a period of time not exceeding fifteen (15) minutes and consistent with that procedure described in 40 CFR 403 appendix E.

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

(p) "Indirect discharge" or "discharge" means the introduction of non-domestic pollutants into the city's wastewater control system from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, including holding tank waste.

(q) "Industrial user" or "user" means a source of indirect discharge.

(r) "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources:

(i) Inhibits or disrupts the city's wastewater system, its treatment processes or operations or its sludge processes, use or disposal; and

(ii) Therefore is a cause of a violation of the city's wastewater system NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title 11 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(s) "Maximum allowable discharge limit" means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(t) "Medical waste" means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(u) "Monthly average" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

(v) "National categorical pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

(w) "National prohibitive discharge standard" means any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

(x) "National Pollution Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to section 402 of the Act (33 USC 1342).

(y) "New source" means:

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

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

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

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

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (i)(A), (B) or (C)

above but otherwise alters, replaces, or adds to existing process or production equipment.

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

(A) Begun, or caused to begin as part of a continuous onsite construction program

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

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

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

(z) "Non-contract cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(aa) "Pass-through" means a discharge which exits the city's wastewater system into waters of the United States of America in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the city's wastewater system NPDES permit (including an increase in the magnitude or duration of a violation).

(bb) "Person" means 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. This definition includes all federal, state or local governmental entities.

(cc) "pH" means the negative log of the hydrogen ion concentration, expressed in standard units.

(dd) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

(ee) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the wastewater system. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(ff) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

(gg) "Pretreatment standards" or "standards" means pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

(hh) "Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-502(1) of this chapter.

(ii) "Publicly owned treatment works" or "wastewater system" means defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

(jj) "Wastewater treatment plant" means that portion of the city's wastewater control system designed to provide treatment to wastewater.

(kk) "Shall" is mandatory; "may" is permissive or discretionary.

(ll) "Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(mm) "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.)

(nn) "Signification industrial user" (i) Except as provided in subsection (ii), the term significant industrial user means:

(A) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and

(B) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of processed wastewater to the city (excluding sanitary, non-contact, cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the city's treatment

plants; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the city's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6).

(ii) Upon a finding that an industrial user meeting the criteria in paragraph (i)(B) has no reasonable potential for adversely affecting the city's operation or for violating any pretreatment standard or requirement, the control authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or city, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

(oo) "Slug discharge" means any discharge of water or wastewater of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge.

(pp) "Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget, 1972.

(qq) "State" means State of Tennessee.

(rr) "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

(ss) "Superintendent" means the person hired by the city to supervise the operation of the city's wastewater system.

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

(uu) "Toxic pollutant" means one (1) of one hundred twenty six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of section 307 (33 U.S.C. 1317) of the Act.

(vv) "Treatment plant effluent" means any discharge of pollutants from the city's wastewater system into waters of the State of Tennessee.

(ww) "User" means any person who contributes, causes, or permits the contribution of wastewater into the city's wastewater system.

(xx) "Wastewater" means liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the city's wastewater system.

(yy) "Wastewater treatment plant" or "Treatment plant" means that portion of the city's wastewater control system designed to provide treatment of sewage and industrial waste.

(zz) "Waters of the state" means 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.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

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

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - US Environmental Protection Agency

ERG - Enforcement Response Plan

l - Liter

mg - Milligrams

mg/l - Milligrams per liter

NPDES - National Pollutant Discharge Elimination System

O&M - Operation and Maintenance

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act, 42 USC 6901, et. seq.

TSS - Total Suspended Solids

USC - United States Code (Ord. #0-2005-10, Dec. 2005)

18-502. General sewer use requirements. (1) Prohibited discharge standards. No industrial user shall introduce or cause to be introduced into the city's wastewater control system any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all industrial users of the wastewater control system whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. Furthermore, no industrial user may contribute the following substances to the wastewater control system:

(a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and wastewater control system, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

(b) Any wastewater having a pH less than 5.0 or more than 10.0, unless authorized by the control authority, or otherwise causing corrosive structural damage to the wastewater control system or equipment, or endangering city personnel. No wastewater having a pH

of less than 5.0 shall be authorized and no wastewater having a pH of more than 12.5 shall be authorized, since this would be considered a hazardous waste under section 40 CFR 261.22 of the Act.

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the wastewater control system resulting in interference.

(d) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the wastewater control system, or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(e) Any heated wastewater which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

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

(g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems.

(h) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with § 18-503(4).

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

(j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit or which adversely affects aquatic life in the receiving waters.

(k) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the control authority in compliance with applicable state or federal regulations.

(l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the control authority.

(m) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(n) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater control system.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the wastewater control system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the wastewater control system.

(2) Federal categorical pretreatment standards. The national categorical pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471 are hereby incorporated.

(3) State requirements. Tennessee Industrial State Pretreatment Standards are also incorporated into this chapter.

(4) Specific pollutant, limitations. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits and maximum monthly average limits.

Regulated parameter	Maximum for any one day (mg/L)	Maximum for monthly avg. (mg/L)
Copper	1.0	0.50
Chromium	1.0	0.38
Nickle	0.9	0.26
Cadmium	0.06	0.02
Lead	0.6	0.22
Mercury	4.58 E-07	4.85 E-07
Silver	0.06	0.03
Zinc	2.0	1.05
Cyanide	0.035	0.016
Toluene	0.6	0.21
Benzene	0.3	0.013
1, 1, 1, Trichloroethane	0.70	0.25
Ethylbenzene	0.12	0.04
Carbon Tetrachloride	0.045	0.015

Chloroform	0.6	0.22
Tetrachloroethylene	0.4	0.14
Trichloroethylene	0.3	0.10
1, 2 trans Dichloroethylene	0.02	0.0075
Methylene chloride	0.3	0.10
Phenols	1.2	0.45
Napthalene	0.4	0.0125
Phthalates	0.60	0.26
pH	6.0 - 10.0	n/a

(a) Total Toxic Organics (TTOs) - Limits for those parameters on the TTO list will be considered on an individual case by case basis, by the control authority, for those not regulated in the 40 CFR Regulations of the Act for categorical and/or non-categorical industries, considering such factors including but not limited to: concentration, flow, mass loading to the wastewater system, and other considerations necessary to prevent pass-through and protect the wastewater system as set forth by the control authority.

(b) Any wastewater containing over 250 mg/l of BOD or total suspended solids will be surcharged at the appropriate rate, by the methods listed in § 18-515, or pretreated to levels so as not to cause obstruction to the sanitary sewer system or upsets or overloading at the wastewater system. The surcharge is not to be used as a substitute for fines issued, for wastewater system upsets or overloading or sanitary sewer obstruction.

(c) The oil and grease listed in this section is petroleum or mineral oil products. Concentrations apply at the point where the industrial waste is discharged to the wastewater system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At its discretion, the control authority may impose mass limitations in addition to or in place of the concentration based limitations above.

(5) Wastewater system right of revision. The city reserves the right to establish, by industrial wastewater discharge permits issued through the city, more stringent standards or requirements on discharges to the wastewater control system if deemed necessary to comply with the objectives presented in § 18-501(1) of this chapter or the general and specific prohibitions in

§§ 18-502(1), 18-502(2), 18-502(3), and § 18-502(4) of this chapter and parameters not listed in § 18-502(4).

(6) Special agreement. The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the wastewater control system through the control authority. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

(7) Dilution. No industrial 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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. #0-2005-10, Dec. 2005)

18-503. Pretreatment of wastewater. (1) Pretreatment facilities. Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 18-502(1) above within the time limitations specified by the EPA, the state, or the control authority whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the wastewater system under the provisions of this ordinance. The control authority shall be notified forty-eight (48) hours prior to start-up of new or modified wastewater pretreatment facilities. Any subsequent changes in the wastewater pretreatment facilities or method of operation shall be reported to and be acceptable to the superintendent.

(2) Accidental discharge/slug control plans. The control authority may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years the control

authority shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

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

(b) Description of stored chemicals.

(c) Procedures for immediately notifying the city's wastewater control system of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 18-501(1) of this chapter.

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(3) Tenant responsibility. Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

(4) Hauled wastewater. (a) Sceptic tank waste may be accepted into the wastewater control system at a designated receiving structure within the treatment plant area, and at such times as are established by the superintendent, provided such wastes do not violate § 18-502 of this chapter or any other requirements established or adopted by the city.

(b) The discharge of hauled industrial wastes and/or wastewater as "industrial sewage" requires prior approval and a wastewater discharge permit from the city. The superintendent shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or cause pass-through of the wastewater control system or adversely affect the quality of the wastewater control system sludge. Waste haulers are subject to all other sections of this ordinance.

(5) Underground storage tank wastewater. Wastewater from contaminated underground storage tank sites within the legal boundaries of the city may be discharged to the wastewater control system only when and if a permit application, as prescribed by the control authority, is submitted and a special "underground storage tank wastewater discharge permit," as prescribed by the control authority, is issued to the owner and or tenant of the property at which the contaminated wastewater is generated. All other aspects of this ordinance will be in force for these permits also.

(6) Vandalism. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the city property (i.e., automatic samplers and other field equipment). Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 18-510 through 18-512, below. (Ord. #0-2005-10, Dec. 2005)

18-504. Wastewater discharge permit eligibility. (1) Wastewater survey. When requested by the control authority, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The control authority is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

(2) Wastewater discharge permit requirement. (a) It shall be unlawful for any significant industrial user to discharge wastewater into the city sanitary sewer without first obtaining a wastewater discharge permit from the control authority. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-510 through 18-512. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

(b) The control authority may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) Wastewater discharge permitting existing connections. Any significant industrial user which discharges industrial waste into the wastewater control system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the city for a wastewater discharge permit in accordance with § 18-504(6) below, and shall not cause or allow discharges to the wastewater control system to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the control authority, or in the case, a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date.

(4) Wastewater discharge permitting new connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the wastewater system must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this

wastewater discharge permit must be filed at least sixty (60) days prior to the date upon which any discharge will begin,

(5) Wastewater discharge permitting extra jurisdictional industrial users. (a) Any existing significant industrial user located beyond the city limits and discharging into the city wastewater control system shall submit a wastewater discharge permit application, in accordance with § 18-504(6) below, within ninety (90) days of the effective date of this ordinance, or in the case, a valid permit exists and does not violate any part of this ordinance, shall not have to re-apply until the permit expiration date. New significant industrial users located beyond the city limits shall submit such applications to the control authority at least sixty (60) days prior to any proposed discharge into the wastewater control system.

(b) Alternately, the control authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

(6) Wastewater discharge permit application contents. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by § 18-506(1)(b) of this chapter. The control authority shall approve a form to be used as a permit application. In addition, the following information may be requested:

(a) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the wastewater system.

(b) Number and type of employees, hours of operation, and proposed or actual hours of operation of the industry.

(c) Each product produced by type, amount, process, and rate of production.

(d) Type and amount of raw materials processed (average and maximum per day).

(e) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(f) Time and duration of the discharge.

(g) The amount, storage of, and disposal of any hazardous waste on site, or generated by the industry.

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

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(7) Application signatories and certification. All wastewater discharge permit applications and industrial user reports submitted to the city must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

(8) Wastewater discharge permit decisions. The control authority will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a completed wastewater discharge permit application, the control authority will determine whether or not to issue a wastewater discharge permit. The control authority may deny any application for a wastewater discharge permit. (Ord. #0-2005-10, Dec. 2005)

18-505. Wastewater discharge permit issuance process.

(1) Wastewater discharge permit duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the control authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater discharge permit contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the control authority to prevent pass-through, interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the wastewater system.

(a) Wastewater discharge permits must contain the following conditions:

(i) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification and approval from the control authority, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(iii) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.

(iv) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(v) Statement of applicable civil and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(vi) A copy of the city's "enforcement response plan."

(b) Wastewater discharge permits may contain, but need not be limited to, the following:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(ii) Limits on the instantaneous, daily and monthly average, and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(iii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(iv) Development and implementation of spill control plans, total toxic organics control plans, or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

(v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater system.

(vi) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the wastewater control system.

(vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(viii) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(ix) Other conditions as deemed appropriate by the control authority to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(3) Wastewater discharge permit appeals. Any person, including the industrial user, may petition the control authority to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(d) Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(e) Aggrieved parties may seek an appeal under § 18-510(10)(b). Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with Circuit Court or Chancery Court for Union County.

(4) Wastewater discharge permit modification. The control authority may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(c) A change in the wastewater control system that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city wastewater control system personnel, or the receiving waters;

(e) Violation of any terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the wastewater discharge permit;

(i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(5) Wastewater discharge permit transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the control authority and the control authority approves the wastewater discharge permit transfer. The notice to the control authority must include a written certification by the new owner and/or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- (b) Identifies the specific date on which the transfer is to occur.
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

(6) Wastewater discharge permit revocation. Wastewater discharge permits may be revoked for the following reasons:

- (a) Failure to notify the city of significant changes to the wastewater prior to the changed discharge.
- (b) Failure to provide prior notification to the city of changed condition pursuant to § 18-506(5).
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (d) Falsifying self-monitoring reports.
- (e) Tampering with city monitoring equipment.
- (f) Refusing to allow the city timely access to the facility premises and records.
- (g) Failure to meet effluent limitations.
- (h) Failure to pay fines.
- (i) Failure to pay sewer charges.
- (j) Failure to meet compliance schedules.
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (l) Failure to provide advance notice of the transfer of a permitted facility.
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon non-use, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon issuance of a new wastewater discharge permit

(7) Wastewater discharge permit reissuance. A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 18-504.6

a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit. (Ord. #0-2005-10, Dec. 2005)

18-506. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the wastewater system, shall be required to submit to the city a report which contains the information listed in subsection (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in subsection (b) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(b) The industrial user shall submit the information required by this section including:

(i) Identifying information. The name and address of the facility including the name of the operator and owners.

(ii) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(iii) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater system from the regulated processes.

(iv) Flow measurement information showing the measured average, or estimated, if approved by the control authority, daily and maximum flow, in gallons per day, to the wastewater system from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(v) Measurement of pollutants. (A) Identify the categorical pretreatment standards applicable to each regulated process.

(B) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass,

where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-506(10).

(C) Sampling must be performed in accordance with procedures set out in § 18-506(11).

(vi) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(vii) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standard; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-506(2) of this chapter.

(viii) All baseline monitoring reports must be signed and certified in accordance with § 18-504(7).

(2) Compliance schedule progress report. The following conditions shall apply to the schedule required by § 18-506(13). The schedule shall contain progress increments 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 (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(3) Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source

following commencement of the introduction of wastewater into the wastewater control system, any industrial user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in § 18-506(1)(b)(iv)--(vi). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedure in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-504(7).

(4) Periodic compliance reports. (a) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the control authority but in no case less than four (4) times per year (in April, in July, in October, in January) each covering the previous three (3) month period, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 18-501(7).

(b) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(c) If an industrial user subject to the reporting requirements in and of this section monitors any pollutant more frequently than required by the wastewater control system, using the procedures prescribed in § 18-506(11) and analytical methods prescribed in § 18-506(10) of this chapter, the results of this monitoring shall be included in the report.

(d) Periodic compliance reports may be waived by the control authority if the city is at least monitoring the discharge quarterly, and no process wastewater is discharged to the city.

(5) Report of changed conditions. Each industrial user is required to notify the control authority of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change.

(a) The control authority may require the industrial user to submit such information as may be deemed necessary to evaluate the

changed condition, including the submission of a wastewater discharge permit application under § 18-504(6).

(b) The control authority may issue a wastewater discharge permit under § 18-504(8) or modify an existing wastewater discharge permit under § 18-505(4).

(c) No industrial user shall implement the planned changed conditions(s) until and unless the control authority has responded to the industrial user's notice.

(d) For purposes of this requirement flow increases of twenty-five percent (25%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

(6) Reports of potential problems. (a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the wastewater control system (including a violation of the prohibited discharge standards in § 18-502(1) of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five (5) days following such discharge, the industrial user shall, unless waived by the control authority, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater control system, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

(c) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this ordinance.

(d) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(7) Reports from non-significant industrial users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the control authority may require.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by an industrial user indicates a violation, the industrial user must

notify the control authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the report to the control authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the city performs monitoring at the industrial user at least once a month, or if the city performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling, or if the industrial user's regular monitoring activity will result in samples being taken within thirty (30) days of the industry becoming aware of the violation, unless, directed by the control authority to do so.

(9) Notification of the discharge of hazardous waste. (a) Any industrial user who commences the discharge of hazardous waste shall notify the city, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred (100) kilograms two hundred twenty pounds (220 lbs.), of such waste per calendar month to the wastewater control system, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 18-506(5), above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §§ 18-506(1), (3), and (4), above.

(b) Dischargers are exempt from the requirements of § 18-506(1) of this chapter during a calendar month in which they discharge no more than fifteen (15) kilograms (thirty three (33) pounds) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). A discharge of more than fifteen (15) kilograms (thirty three (33) pounds) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the industrial user discharges more

than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the city, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) All industries permitted by the city shall make a one (1) time notification to the control authority on the "hazardous waste notification form" stating if the company is subject to the reporting conditions in § 18-506(9)(a) and (b).

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or reports shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(11) Sample collection. (a) Except as indicated in subsection (b), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the control authority may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with daily maximum discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(c) Samples should be taken for federal 40 CFR limits of the Act, for categorical industries, immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentration necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit

has been calculated, this adjusted limit along with the supporting data shall be submitted to the city.

(12) Determination of noncompliance. The control authority may use a grab sample(s) to determine noncompliance with pretreatment standards.

(13) Timing. Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, the date of receipt of the report shall govern.

(14) Record keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the control authority. (Ord. #0-2005-10, Dec. 2005)

18-507. Compliance monitoring. (1) Inspection and sampling. The control authority shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the control authority or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The city shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The control authority may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(e) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this ordinance. In addition, the IU must take precautions to ensure the safety of city personnel during pretreatment program activities on the IU's premises.

(2) Search warrants. If the control authority and/or his representative has been refused access to a building, structure or property or any part thereof, and if the control authority and/or his representative has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and where of the community, then upon application by the city attorney, to the chancery court or circuit court, the city may seek a search and/or seizure warrant describing therein the specific location subject to the warrant. The request by the city shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the control authority accompanied by a uniformed police officer. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. (Ord. #0-2005-10, Dec. 2005)

18-508. Confidential information. Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from city inspection and sampling activities, shall be available to the public without restriction--unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program. and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. #0-2005-10, Dec. 2005)

18-509. Publication of industrial users in significant noncompliance. The city shall publish annually, in the largest daily newspaper published in the municipality where the wastewater control system is located, a list of the industrial users which, during the previous twelve (12)

months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

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

(2) Technical Review Criteria (TRC) violations, determined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a rolling six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (§ 18-501(4) for BOD, TSS, fats, oils and grease, and § 18-501(2) for all other pollutants except pH);

(3) Any other discharge violation that the control authority believes has caused, along or in combination with other discharges, interference or pass-through (including endangering the health of city personnel or the general public);

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

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

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

(7) Failure to accurately report noncompliance;

(8) Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. #0-2005-10, Dec. 2005)

18-510. Administrative enforcement remedies. (1) Enforcement Response Plan (ERP). The control authority of the city shall prepare an Enforcement Response Plan (ERP) to insure that the requirements of 40 CFR part 403 of the Clean Water Act will be met. The ERP shall outline various administrative actions the control authority may take for various pretreatment violations. The maximum penalty shall be ten-thousand dollars (\$10,000.00) per violation. The control authority shall review and update, on an annual basis, any changes needed to insure compliance with the federal, state and local pretreatment regulations as listed in the act and this ordinance.

(2) Notification of violation. Whenever the control authority finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the

control authority or his agent may serve upon said user a written notice of violation. Within fifteen (15) days of the receipt 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 by the user to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without trust issuing a notice of violation. Degrees of violation are listed in the city "Enforcement Response Plan" (ERP). The Notice of Violation (NOV) is in the form of a letter as listed in the ERP.

(3) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to §§ 18-510(4) and (5) below and shall be judicially enforceable. The consent orders are in the form of administrative orders as listed in the city enforcement response plan.

(4) Show cause hearing. The control authority may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the control authority and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(5) Compliance orders. When the control authority finds that a user has violated or continues to violate the ordinance, wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time stated, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount

of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user. The compliance orders are in the form of enforcement compliance schedules, issued by the city, through the city's enforcement response plan.

(6) Cease and desist orders. When the control authority finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements

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

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

(7) Administrative penalties. (a) Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirements may be penalties in an amount not to exceed ten thousand dollars(\$10,000.00) as set forth in the enforcement response plan. Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as may be available for other service charges and fees.

(c) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

(d) Users desiring to dispute such fines must file a written request for the superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit the superintendent shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to

the industrial user. The superintendent may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(e) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

(8) Emergency suspensions. The control authority may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the wastewater system, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater control system, its receiving stream, or endangerment to any individuals. The control authority shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings set forth in § 18-510(9) are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the control authority, prior to the date of any show cause or termination hearing under §§ 18-510(4) and (9).

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(9) Termination of discharge. In addition to those provisions in § 18-505(6) of this chapter, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in § 18-502 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-510(4) of this chapter why the proposed action should not be taken.

(10) Appeals. (a) Any user affected by any decision, action or determination, including cease and desist orders, made by the control authority, interpreting or implementing the provisions of this ordinance, may file with the control authority a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

(b) If the ruling made by the control authority is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of city action, file a written appeal to the wastewater control system's sewer use board. The written appeal shall be heard by the board within thirty (30) days from the date of filing. The board shall make a final ruling on the appeal within thirty (30) days of the close of the meeting. The control authority's decision, action, or determination shall remain in effect during such period of reconsideration. (Ord. #0-2005-10, Dec. 2005)

18-511. Judicial enforcement remedies. (1) Injunctive relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the control authority may petition the Circuit or Chancery Court for Union County through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

(2) Civil penalties. (a) Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The control authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited

to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(3) **Remedies nonexclusive.** The election of or selection of any remedy specified in this ordinance or the election of or selection of any remedy not specified by this ordinance is not exclusive of any other remedies authorized or specified by this ordinance or by general law. The city reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's Enforcement Response Plan (ERP). However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one (1) enforcement action against any noncompliant user. These actions may be taken concurrently. (Ord. #0-2005-10, Dec. 2005)

18-512. Supplemental enforcement action—liability insurance. The control authority may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the wastewater system caused by its discharge. (Ord. #0-2005-10, Dec. 2005)

18-513. Affirmative defenses to discharge violations. (1) Upset.

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the industrial user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(iii) The industrial user has submitted the following information to the city's wastewater control system within twenty four (24) hours of becoming aware of the upset (if this information is provided verbally, a written submission must be provided within five (5) days):

(A) A description of the indirect discharge and cause of noncompliance

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue

(C) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(2) General/specific prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in § 18-502(1) of this ordinance if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(a) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass-through or interference, or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass. (a) (i) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this section.

(c) (i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the city, at least ten (10) days before the date of the bypass, if possible.

(ii) An industrial user shall submit verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards to the city within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the verbal report has been received with twenty-four (24) hours.

(d) (i) Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:

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

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The industrial user submitted notices as required under subsection (c) of this section.

(ii) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in subsection (4)(a) of this section. (Ord. #0-2005-10, Dec. 2005)

18-514. Metered/estimated wastewater volume. (1) Metered water supply. User charges and fees shall be based upon the total amount of water used from all sources unless, in the opinion of the control authority, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the control authority.

(2) Metered wastewater volume and metered diversions. For users where, in the opinion of the control authority, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the control authority and at the user's expense. Such meters may measure either the amount of wastewater discharged or the amount of water divested. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the control authority.

(3) Estimated wastewater volume. (a) Users without source meters. For users where, in the opinion of the control authority, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the control authority. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.

(b) Users with source meters. For users who, in the opinion of the control authority, divest a significant portion of their flow from a sanitary sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains wastewater discharge authorization and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water

use necessary to estimate the wastewater volume discharged.
(Ord. #0-2005-10, Dec. 2005)

18-515. Surcharge costs. (1) Each person discharging wastewater into the city's sanitary sewers shall be subject to a surcharge, in addition to the regular sewage service charge, based on the biochemical oxygen demand (BOD) and the Suspended Solids (SS) content of the wastes, if the wastes have a concentration higher than 250 mg/l BOD and/or 250 mg/l of SS.

(a) Biochemical oxygen demand - 250 mg/l.

(b) Suspended solids - 250 mg/l.

(2) Sampling and testing for surcharges or use charges. The discharged wastewater will be sampled during each sewage billing period for the minimum of a one (1) day period (twenty-four (24) continuous hours) by means of a composite sample. An extended sampling period of up to one (1) week (seven (7) continuous days) or reduction may be requested to enable the gathering of a sample representative of a company's wastewater. The extension or reduction of the sampling period beyond the initial one (1) day sampling period may be requested by either the sewer user involved or the city. If an extended sampling period is requested, the parameter values used to calculate the surcharge will be the arithmetical average of the individual values. In the event a company or industry has multiple discharges of wastewater, each discharge shall be sampled according to quality. The volume of each discharge shall be determined by actual measurement or by means of process usage. If significant process changes are made to affect quality of any discharge, resampling may be requested by either the sewer user involved or the city.

(3) The wastewater sample shall be measured for the following parameters: Biochemical oxygen demand (BOD), and suspended matter or solids (SS). These tests shall be made in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater or by an approved EPA method.

(4) Computation of surcharge. The excess pounds of BOD and of suspended solids will each be computed by multiplying the sewage billing volume measured in units of one hundred (100) cubic feet for the current sewage billing period by the factor 0.006238, and then multiplying the differences between the concentration measured in milligrams per liter of the BOD and of the suspended solids, respectively, in the customer's wastewater and the allowed concentrations set out above, resulting in the pounds of each constituent. The surcharge of each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge.
(Ord. #0-2005-10, Dec. 2005)

18-516. Miscellaneous provisions. (1) Damaged facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the wastewater control system, the city may assess a charge against the user for

the work required to clean and/or repair the sanitary sewer system and/or the wastewater control system, and add such charge or charges to the user's charges and fees.

(2) Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

(3) Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict. (Ord. #0-2005-10, Dec. 2005)

18-517. Industrial sewer connection application. To the city of Maynardville. The undersigned being the _____ of the property located at _____ does hereby request a permit to _____ an industrial sewer connection serving _____, which company is engaged in _____ at said location.

(1) A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A."

(2) Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B."

(3) A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analyses, and compliance with any applicable pretreatment standard or requirements, is attached hereunto as Exhibit "C."

(4) The name and address of the person or firm who will perform the work covered by this permit is _____.

In consideration of the granting of this permit the undersigned agrees:

(1) To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the city.

(2) To accept and abide by all provisions of Ordinance No. ___ of the city and all other pertinent ordinance or regulations that may be adopted in the future.

(3) To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city.

(4) To cooperate at all times with the city and its representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

(5) To notify the city immediately in the event of any accident, or other occurrence that occasions contribution to the wastewater treatment system of any wastewater or substances prohibited or not covered by this permit.

Date:

\$_____ inspection fee
paid

Signed:

Application approved and permit granted:

Date:

(Ord. #0-2005-10, Dec. 2005)

Signed:

CHAPTER 6

CHARGES AND FEES¹

SECTION

- 18-601. Purpose.
- 18-602. Types of charges and fees.
- 18-603. Sewer use charges.
- 18-604. Industrial strength surcharge fees.
- 18-605. Sewer improvement charges.
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- 18-607. Review.
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- 18-619. Main extensions to developed areas.
- 18-620. Other main extensions.
- 18-621. Work performed by persons other than the city.
- 18-622. Easement rights and relocation of city's facilities.

18-601. Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system, including costs of operation, maintenance, administration, debt service, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants. (Ord. #0-2005-10, Dec. 2005)

18-602. Types of charges and fees. The charges and fees as established in the city's schedule of fees, rates and charges may include, but not be limited to:

- (1) Sewer use charges;

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

- (2) Sewer connection fees;
- (3) Industrial extra strength surcharge fees;
- (4) Connection charges;
- (5) Sewer improvement charges; and
- (6) Other fees and charges as the city may deem necessary to carry out the requirements of these rules and regulations. (Ord. #0-2005-10, Dec. 2005)

18-603. Sewer use charges. (1) Classification of users. Users of the city's wastewater control system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads. The categories are defined as follows:

(a) Class I: Those users whose average biochemical oxygen demand is 240 milligrams per liter (240 mg/l) by weight or less, and whose suspended solids discharge is three hundred milligrams per liter (300 mg/l) by weight or less, and whose grease discharge is fifty milligrams per liter (50 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred forty milligrams per liter (240 mg/l) by weight, or whose suspended solids exceed three hundred milligrams per liter (300 mg/l) by weight, or whose grease concentration exceeds fifty milligrams per liter (50 mg/l).

(2) Determination of costs. (a) The costs of operation, maintenance and interim replacement for the treatment system shall be distributed proportionately among all users based on the flow volume of each user. Flow volume shall be determined by the water meter records unless the user elects to install a sewer flow meter. A surcharge shall be levied against those users with wastewater effluent strengths that exceed the strength of "Class I Users" as defined above.

(b) Additional charges will result from debt service and capital recovery. These costs will be distributed proportionally among all users based upon flow. (Ord. #0-2005-10, Dec. 2005)

18-604. Industrial strength surcharge fees. (1) Additional charges and fees established for Class II users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which is above the normal strength, and which may include, but not be limited to, BOD, SS, grease and volume.

(2) When the biochemical oxygen demand, suspended solids, or grease discharged to the treatment system by a user exceeds those described as characteristic of Class I Users, the following formula shall be used to compute the appropriate additional user charge:

$$I_u = B_c B_u + S_c S_u + G_c G_u$$

Where:

I_u = Total industrial surcharge to be added to regular charges

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

B_u = Excess above domestic BOD contribution for a user per unit of time

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

S_u = Excess above domestic SS contribution for a user per unit of time

G_c = Total cost for treatment of a unit of grease

G_u = Excess above domestic grease contribution for a user per unit of time

(Ord. #0-2005-10, Dec. 2005)

18-605. Sewer improvement charges. (1) All customers subject to a sewer improvement charge as defined in § 18-203(52) will continue to pay said charge until the full obligation is discharged. The sewer improvement charge may be paid in full at any time during the term of payment by paying the remaining lump sum balance.

(2) For those customers subject to the sewer improve charge pursuant to § 18-605(1) above the number of basic charges which shall be paid shall be determined as set forth in the schedule of rates and charges. (Ord. #0-2005-10, Dec. 2005)

18-606. Notification. Each user shall be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. #0-2005-10, Dec. 2005)

18-607. Review. The city shall review not less than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall make any revisions to user charges necessary to provide prudent and proper operation of the wastewater system. (Ord. #0-2005-10, Dec. 2005)

18-608. Deposits. (1) A customer, when called upon by the city, shall deposit with it such reasonable sums of money as the city may require as continuing security for the performance of the obligations contracted for by the customer. Failure to make such deposit shall be deemed a breach of the contract, permitting the city to declare the contract forfeited and to refuse or to discontinue service.

(2) Upon termination of service, the deposit may be applied by the city against any of the customer's obligations to the city, regardless of whether such obligations arose in connection with wastewater service or otherwise. Any part of the deposit which is not so applied will be refunded to the customer upon demand.

(3) No deposit shall be transferable or assignable by customer. (Ord. #0-2005-10, Dec. 2005)

18-609. Connection charges. (1) Whenever a city connection order is issued for the connection of a service (including, without limitation, an order for service to a new customer, or service is transferred from one customer's name to another, or service is reinstated after having been removed from the active accounting records of the city, the city shall charge a non-refundable connection charge of not less than fifteen dollars (\$15.00) to cover the expense of this connection. There shall be no charge in the disconnections and connections.

(2) When more than one (1) utility service is involved in a single connection order, not more than one (1) charge will be made. The city shall have the authority to waive this connection charge in any case where such waiver is obviously to the best interest of the city.

(3) Whenever service has been discontinued, but prior to the removal of such service from the active accounting records of the city, a reconnection charge of not less than five dollars (\$5.00) may be collected by the city before service is restored. (Ord. #0-2005-10, Dec. 2005)

18-610. Single point delivery. The rates fixed in the schedule of rates and charges are based upon water service to the entire premises through a single delivery and metering point. If water service is rendered to any customer or premises through more than one (1) delivery point, the city reserves the right to bill each such delivery point as a separate service. (Ord. #0-2005-10, Dec. 2005)

18-611. Multiple service through a single meter. Where the city may allow more than one (1) customer or premises to be served through a single water service main and meter, the amount of water used by all customers or premises served through a single water service main and meter shall be allocated to each separate customer or premises thus served by dividing the amount of water so used by the number of customers or premises served. The sewer service charge for each such customer or premise thus served shall be computed just as if each such customer or premise had received through a separately metered water service the amount of water so allocated to it, such computation to be made at the city's applicable sewer service charge rates, including the provisions as to minimum bills. The separate charges for each customer or premise served through a single water service main and meter shall then be added together and the sum thereof shall be billed to the customer in whose name the service is supplied. (Ord. #0-2005-10, Dec. 2005)

18-612. Secondary meters. Any customer desiring to use a secondary meter for the purpose of measuring water not discharged to the wastewater system to affect a reduction in the wastewater service charge, must submit plumbing plans for the facility showing the proposed location for an approved secondary water meter. The secondary meter site shall be readily accessible by

the city. The cost of the meter installation and the subsequent maintenance shall be paid solely by the customer. (Ord. #0-2005-10, Dec. 2005)

18-613. Alternate water supplies. A customer connected to the city's wastewater system but not connected to the city water system, shall be required to provide in writing to the city the name of the individual or firm, the address, and the source of supply. Such customer will be charged for wastewater service based upon metered water usage, if obtainable. If neither the customer's water usage nor wastewater discharge volumes are metered, the average water usage of comparable metered customers as determined by the city will be used to calculate the charges under the schedule of rates and charges. (Ord. #0-2005-10, Dec. 2005)

18-614. Frequency of bills. (1) Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly or monthly, at the option of the city.

(2) Wastewater bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive bill will not release customer from payment obligation, nor extend the due dates.

(3) In the event bills are not paid on or before the due date, service may be discontinued without notice to customer and not again resumed until all bills are paid, and the city shall not be liable for damages on account of discontinuing service at any time after the due date, even though payment of such bills be made on the same day either before or after service is actually discontinued.

(4) When a customer has two (2) or more accounts that are payable at different times and wants the same due dates for such accounts, or when other conditions make desirable the use of a due date different from that provided in these rules and regulations, such a due date may be established on the customer's application, provided such due date is approved by the city manager.

(5) If the city elects to read meters less frequently than each month in order to reduce meter reading expense or for other reasons, the city reserves the right to render an estimated bill to a customer for any billing period for which such customer's meter is not read. If a subsequent meter reading shows that the estimated bill was based on an erroneous mistake of consumption, the city at its option will either adjust the estimated bill to correct the error or make a compensated adjustment in a later bill. (Ord. #0-2005-10, Dec. 2005)

18-615. Adjustments to bills. (1) The city shall not be obligated to make adjustment of any bills unless within ninety (90) days after the questioned bill is paid the customer files with the city a written objection to said bill specifying the basis for the desired adjustment.

(2) The city shall be under no obligation to extend the due date or the time for paying any bills to the city because the customer disputes the amount of the bill or liability for the bill. The customer shall have the right to pay any disputed bill under protest provided the customer at the time of payment gives the city written notice that the payment is being made under protest together with a written statement of the ground or grounds upon which the customer questions the correctness of the bill; and any such payment thus made under protest shall not be considered a voluntary payment provided the customer files suit to recover the questioned payment within ninety (90) days after such payment is made.

(3) No customer shall be entitled to any bill at the net rate while such customer is delinquent in the payment of any obligation owed the city by such customer.

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

(5) To the extent that any sales or other tax is payable by a customer on any service provided by the city and the city is obligated to collect such tax from the customer, the customer's failure to pay any such tax shall have the same effect as such customer's failure to pay all or any part of the charge for the service to which such tax is attributable. Failure of the city to bill the customer for all or any part of any such tax will not release or otherwise affect the customer's obligation to pay such tax to the city at any later time.

(6) Nothing contained herein shall authorize the city to discontinue service or to take other action with complying with all rights to a customer to due process of law. (Ord. #0-2005-10, Dec. 2005)

18-616. Pool and watering credits. (1) A watering credit shall be given each domestic user for the months of June, July, and August. This credit will be computed based on the user's consumption history and will include allowances for the normal increased consumption experienced during these months. This credit will be automatically applied to all domestic user's billings and will be the only watering credit so applied unless the user has installed a secondary meter as per § 18-612 above, in which case the secondary meter readings will be used for the determination of watering credits.

(2) A pool credit for filling swimming pools or similar structures may be obtained by domestic users only, providing that the user supplies the city manager or his/her designated representative with the dimensions of the structure being filled for purposes of calculation of the amount of the credit. The pool credit will be applied to the customer's billing after verification of the water usage through billing records.

(3) No automatic watering credits will be applied to commercial or industrial users. All volume credits for reduction of wastewater usage charges

for commercial and industrial users must be obtained through secondary metering as per § 18-612 above. (Ord. #0-2005-10, Dec. 2005)

18-617. Claims for exemptions from sewer service charge. Claims for exemption from the sewer service charge because of non-availability of sewers may be made to the city manager giving the city account number and meter numbers. Exemption from the charge will be retroactive to the commencement date of the wastewater service charge or the date of non-availability. (Ord. #0-2005-10, Dec. 2005)

18-618. General extension policy. (1) Extensions to the wastewater control system and the customer costs associated with such extensions pursuant to §§ 18-619 and 18-620 below, will be determined on an economic feasibility basis, taking into consideration the total cost of the project, the anticipated return on investment, and the benefit to the health of the community. Customer costs associated with an extension will constitute a contribution in aid of construction and will be payable as defined in §§ 18-619 and 18-620 below.

(2) The authority to make wastewater main extension pursuant to §§ 18-619 and 18-620 is permissive only; nothing contained herein shall be construed as requiring the city to make wastewater main extensions to furnish service to any person or persons, even though such prospective customers meet all the requirements contained in §§ 18-619 and 18-620 so as to permit the city to make a main extension pursuant to said provisions.

(3) All sewer trunk lines shall be eight (8) inches. All sewer feeder lines shall be four (4) inches or greater and all sewer service lines shall be six (6) inches or greater. (Ord. #0-2005-10, Dec. 2005)

18-619. Main extensions to developed areas. (1) The provisions of this section shall apply only to wastewater collection main extensions where there is a demand for wastewater service by the occupants of existing premises, or where there exists a threat to public health by gross pollution caused by inadequately operating or overflowing underground sewage disposal fields. This section shall in no event be applicable to land development projects, subdivision promotions, or any undeveloped lots or parcels.

(2) Owners of property to be served by a proposed wastewater collection main extension of the character to which this section applies shall pay to the city a contribution in aid of construction as set forth in § 18-618 above, for each connection desired. The contribution in aid of construction will be due and payable upon connection of the user to the sewer system. Owners may pay the contribution in aid of construction in a single lump sum payment or may choose to pay over time, the terms and rate of which will be determined by the superintendent based on prevailing economic conditions.

(3) Upon completion of the wastewater collection main extension and installation of wastewater lateral, each customer shall commence paying to the

city wastewater service charges at least equal to the minimum monthly service charges prescribed by the applicable rules, regulations, and rate schedules of the city for each such connection regardless of the use made thereof.

(4) Extension of a larger wastewater collection main to premises already served by a smaller wastewater collection main, when made at the request of a customer or customers, and not initiated by the city as an improvement to the city's wastewater collection system, shall be treated as an original wastewater collection main extension as described in §§ 18-619(1), (2), and (3) above. (Ord. #0-2005-10, Dec. 2005)

18-620. Other main extensions. (1) The provisions of this section shall apply to all areas to which § 18-619 is not applicable, including all land development projects and subdivision promotions.

(2) Persons desiring wastewater collection main extensions or connections pursuant to this section must pay a contribution in aid of construction equal to the costs of making such extension or connections; including the costs of connecting mains to the city's existing wastewater collection system located outside the area being developed or promoted.

(3) The size, type and installation of wastewater collection mains pursuant to this section must comply with the city's "Standard Specifications for Sewer Construction," and must be approved by the city.

(4) All mains and other wastewater facilities shall be constructed either by the city's forces or by persons pursuant to § 18-620 below. For work performed by the city, the applicant for the extension shall pay in advance of construction the cost of the extension as reasonably estimated by the city.

(5) Upon completion of extensions, connections, and their approval by the city, the wastewater collection mains and connections shall become the property of the city, and the persons paying the cost of constructing such mains and connections shall execute any written instrument requested by the city to provide evidence of the city's title to such mains and connections. In consideration of such mains and connections being transferred to the city, the city shall incorporate said mains and connections as an integral part of the city's wastewater collection system and shall furnish wastewater collection service therefrom for the reasonable life of said mains and connections, in accordance with the city's rules, regulations and rate schedules.

(6) No refunds shall be made by the city for service connections attached to the mains installed pursuant to this section.

(7) An extension of larger wastewater collection mains to premises already served by a smaller wastewater collection main, when made at the request of the customer or customers and not by the city as an improvement to the city's wastewater collection system, shall be treated the same as an original wastewater main extension for the purposes of this section. (Ord. #0-2005-10, Dec. 2005)

18-621. Work performed by persons other than the city. (1) Notwithstanding elsewhere in these rules and regulations provided, where provision is made herein for wastewater collection mains or other wastewater facilities to be constructed by the city at the expense of the customer or any person other than the city, the city manager is authorized to enter into a written agreement with a customer or other party for such construction work to be done by a contractor or other person acceptable to the city.

(2) All such construction work shall at all times be subject to inspection by the city's representatives to assure that the work shall conform to the city's specifications.

(3) The city's contract authorizing the customer or other person to have the work done in this manner may provide for the reduction of any required contribution in aid of construction for the work upon the completion thereof to the satisfaction of the city's inspections in an amount not to exceed the reasonable costs the city would have incurred if the work had been done by the city.

(4) No approval or inspection by the city hereunder shall relieve the customer or his contractor of any liability to the city or third parties for the work performed by the customer or his contractor. (Ord. #0-2005-10, Dec. 2005)

18-622. Easement rights and relocation of city's facilities. (1) In cases where the needs of one or more customers are such as to intake desirable the location of the city's wastewater mains, and appurtenant facilities on the customer's property or other private property in order to provide service to such customer(s) shall provide adequate easement rights as required by the city for the city's facilities.

(2) The city shall not install such wastewater mains and facilities and no applicant for service shall be entitled to such service until the city has been furnished at no cost to the city, such indefeasible easement rights for such wastewater mains and facilities at a location acceptable to the city.

(3) All persons having any interest in the property where such wastewater mains and facilities of the city are located, shall be conclusively presumed to have agreed to the construction and continued maintenance of such wastewater mains and facilities if at any time after the use thereof begins, a continuous period of six (6) months elapses during which no effort is made by the customer or by any person having an interest in such property, to have such wastewater mains and facilities removed or relocated.

(4) Any person wishing to have the city's wastewater mains or facilities relocated for his convenience shall be entitled to have such wastewater mains or facilities relocated only if:

(a) All easement for a suitable substitute location acceptable to the city is provided at no cost to the city; and

(b) Satisfactory arrangements are made with the city for all expenses for any relocation work to be paid at no cost to the city.

Until arrangements acceptable to the city are made for providing wastewater service to the premises served by such wastewater mains or facilities, no person shall have the right to require the city to remove any such wastewater mains or facilities even though the facilities are not in active use at the time. Neither the customer nor any other person shall do anything on the property where such wastewater main and facilities are located, or allow any use thereof, which will endanger said wastewater main and facilities or which will create a hazard by reason of the location or use of such wastewater mains and facilities, or which will materially interfere with access thereto for the repair, maintenance and use thereof.

(5) Any customer whose premises do not extend to a public street right-of-way or other public right-of-way from which wastewater service can be safely and economically provided, shall be responsible for providing and maintaining without cost to the city an easement for the city's wastewater facilities between the customer's premises and the public right-of-way from which such wastewater service is to be or is being provided. Such customer shall also be responsible for providing and maintaining all wastewater facilities beyond such customer's point of delivery, which facilities are not owned by the city. This rule applies to all customers, present and future, including without limitation, those occupying apartments, office buildings, condominiums, shopping centers, parks projects, developments, subdivisions, and other similar land uses. (Ord. #0-2005-10, Dec. 2005)

CHAPTER 7

FEES, RATES AND CHARGES

SECTION

18-701. Schedule of charges, fees and rates.

18-702. Plans review fee schedule.

18-701. Schedule of charges, fees and rates.¹ (1) Water rates. The water service charge shall be calculated using that rate schedule which is on file in the office of the city recorder. Each year in April, the water rate charges shall increase by three percent (3%) unless there is a recognized need to increase beyond the three percent (3%) to meet the financial obligations of the utility, and in furtherance thereof, the board of commissioners shall have the right, but not the requirement in April of each year to vote as to whether there is a need to increase the rates by three percent (3%) or above, or whether there is no need to increase for that year. If no action is taken by said board of commissions, then the water rate charges shall increase by said three percent (3%). The above described said rate schedules which are on file in the office of the city recorder shall be adjusted accordingly to reflect all rate changes. All rates changes shall be effective on July 1st of each calendar year.

In addition to the commodity charge specified in the rate table available at city hall, there shall be an additional monthly charge for meters larger than five-eighths inch (5/8") as provided in the following schedule.

Additional monthly service charge per connection for meters larger than five-eighths inch (5/8") as provided in the following schedule:

<u>In Inches</u>	<u>Inside City</u>	<u>Outside City</u>
3/4	6.00	8.00
1	13.00	15.00
1 1/2	23.00	27.00
2	37.00	44.00
3	75.00	90.00
4	130.00	156.00
6	292.00	350.00
8	518.00	622.00
10	793.00	952.00
12	1177.00	1414.00

¹Commodity charges for water and wastewater and rate schedules are available in the office of the city recorder.

(2) Wastewater rates. The wastewater service charge shall be calculated using that rate schedule which is on file in the office of the city recorder. Each year in April, the wastewater rate charges shall increase by three percent (3%) unless there is a recognized need to increase beyond the three percent (3%) to meet the financial obligations of the utility, and in furtherance thereof, the board of commissioners shall have the right, but not the requirement in April of each year to vote as to whether there is a need to increase the rates by three percent (3%) or above, or whether there is no need to increase for that year. If no action is taken by said board of commissioners, then the wastewater rate charges shall increase by said three percent (3%). The above described said rate schedules which are on file in the office of the city recorder shall be adjusted accordingly to reflect all rate changes. All rate changes shall be effective on July 1st of each calendar year.

Meter Tap Fees

5/8"	\$900
3/4"	\$900
1"	\$900
1 1/2"	\$900
2"	\$900
3"	\$900
4"	\$900
6"	\$900
2" fire line	\$900
4" fire line	\$900
6" fire line	\$900
8" fire line or greater	\$900

In addition to the above tap fees, for all meter sizes above three-fourths inch (3/4") the customer shall also be responsible for the payment of the cost of the meter, labor and materials, road crossing (bores) and all appurtenances as necessary to complete the connection. All required fees and costs are due and payable in full upon application for service.

(3) New account utility fee and reconnection fee and leak adjustments.

(a) The utility service fee for new accounts shall be seventy-five dollars (\$75.00) for residential and two hundred dollars (\$200.00) for non-residential.

(b) The reconnection fee for service accounts which have been terminated due to delinquent payments as set forth in this chapter shall be fifty dollars (\$50.00).

(c) If any customer requires a utility service connection or reconnection after 3:00 P.M. on the same day that such request for utility service connection or reconnection is made an additional fee of twenty-five dollars (\$25.00) shall be paid in addition to the utility service connection or Reconnection fee set forth above.

(d) (i) Leaks that are verifiable by our radio read metering system are eligible for a once per year (twelve (12) month cycle) leak adjustment. All leaks shall be adjusted on a 50/50 basis for usage above the customers six (6) month usage average.

(ii) Any leak which is proven to have occurred during a single billing cycle or which first occurred and then continued into the next consecutive billing cycle (anything over two (2) consecutive cycles cannot be adjusted) and which is proven by the radio read meter profiling system or such method as approved by the City the Maynardville to be a continuation of the same leak can be adjusted on the 50/50 basis as described in (d)(i) above and if after such adjustment the amount due exceeds five hundred dollars (\$500.00) or more then said amount exceeding five hundred dollars (\$500.00) or more can be paid in six (6) equal and consecutive monthly installments due on the 10th of each month with the current and regular bill balance to also be paid as provided for in this chapter. The ten percent (10%) penalty added on all past due balances per existing city policy shall also be added to the adjusted balance due subject to the installment payment plan. Penalties associated with the original leak (even if leak crosses two (2) consecutive billing cycles) will be allowed to be assessed by the city's billing system and subsequent penalties related only to installment payment plan balances shall be adjusted. Failure to timely and properly pay each installment when due shall result in the termination of the payment plan and the entire balance due under the installment plan becoming due and payable in full on the next business day which immediately follows the day on which the installment payment was due and payable. Any payments which are due under the installment plan and which have not been timely paid as provided for herein shall subject the account holder to immediate termination of their utility services and all reconnection fees shall be applicable before service is reestablished.

(4) Pressure check fee. Twenty dollars (\$20.00) water spigot pressure check.

(5) Meter check fee. Thirty dollars (\$30.00) to pull meter profile at customer request more than once per twelve (12) month cycle.

(6) Private fire service charges. In connection privately owned automatic sprinklers or hose outlets, MUD provides water service to any

residential, commercial or industrial customer; the private fire service charge shall be comprised of the additional monthly charge for meters larger than five-eighths inch (5/8") plus the customer's monthly usage.

(7) Method of payment for all current and past-due service accounts. All service accounts (except for payments being made under the leak installment payment plan described above) shall be due in full by the 10th day of the month. Except for those payments being made under the leak installment payment plan described above, no service accounts shall be allowed to carry a delinquent or past due balance past the due date of the current monthly billing cycle. Except for those payments being made under the leak installment payment plan described above, the service account balance shall be due and paid in full by the 10th day of the month. With the exception of those payments being made under the leak installment payment plan described above, any and all other service accounts with outstanding, past due or delinquent balances shall be disconnected on the 4th Monday of the month if any outstanding, past due or delinquent balances have not been paid in full before the said 4th Monday of the month. All service which has been disconnected or terminated for the reasons set forth in this subsection shall not be reconnected or restored until all service account balances have been paid in full and the required reconnection fee has also been paid in full.

(8) Backflow inspection fee. Yearly backflow inspection fees shall be charged at the minimum rate of seventy-five dollars (\$75.00) plus all charges assessed to the city by all others assisting with yearly backflow inspection. (Ord. #0-2015-2, April 2015)

18-702. Plans review fee schedule. (1) Water line review in subdivisions with hydraulics provided:

- (a) Initial review one hundred fifty dollars (\$150.00)/sheet;
- (b) Follow up review eighty dollars (\$80.00)/sheet.

(2) Water line review in subdivision without hydraulics provided:

- (a) Initial review one hundred twenty-five dollars (\$125.00)/sheet hourly;
- (b) Rate to develop hydraulics of eighty dollars (\$80.00)/hour if development is within bounds of current model hydraulic can be developed for a lump sum of three hundred fifty dollars (\$350.00).

- (c) Any follow up would be charged at eighty dollars (\$80.00)/hour.¹

(3) Sewer reviews of subdivisions two hundred percent (200%) of water line fee. (Ord. #0-2015-2, April 2015)

¹Follow up service is required to provide a second review if problems are pointed out in the initial submittal.