

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER²

SECTION

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¹Municipal code references

Building, utility and residential codes: title 12.
Refuse disposal: title 17.

²Policies passed August 2012 for standards and limits regarding: adjustment of utility bills due to leaks (Ord. #587); replacement of water meters and leak detection (Ord. #588); and a water meter policy statement (Ord. #589) are of record in the recorder's office.

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the City of Erin and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1974 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the municipality.

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

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

(4) "Discount date" means the date fifteen (15) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

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

(6) "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. (1974 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the City of Erin before connection and meter installation orders will be issued and work performed. (1974 Code, § 13-103)

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

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the City of Erin to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the City of Erin to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1974 Code, § 13-104)

18-105. Cash deposit for services. Each customer before connecting to the City of Erin Water shall obtain a permit for such connection from the City of Erin and shall be required to deposit the minimum amounts as follows::

Residential home owner	\$100.00
Rental residential	\$250.00
Commercial	\$300.00

(1974 Code, § 13-104.1, as amended by Ord. #633, June 2021 *Ch9_6-8-21*)

18-106. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1974 Code, § 13-105)

18-107. Water tapping fees. Water tapping fees, unless otherwise specified in the terms of any grants or loan agreement, shall be as follows:

<u>INSIDE AND OUTSIDE THE CORPORATE LIMITS</u>	
3/4"	\$1,500.00
1"	\$1,700.00
2"	\$3,500.00
4"	\$4,500.00
6"	\$6,500.00

Large water taps will be on a cost plus basis. If road bore is necessary, an additional fee of one thousand five hundred dollars (\$1,500.00) will be charged in addition to the tap fee for the inside and outside corporate limits. All tapping fees will be charged on a cost-plus basis, calculated by the City of Erin Water Department. (1974 Code, § 13-106, modified, as amended by Ord. #510, § 1, July

1999, and replaced by Ord. #552, July 2007 and amended by Ord. #634, June 2021 *Ch9_6-8-21*)

18-108. Main extensions. Upon any person, group of persons, limited partnership, partnership, or corporation, hereinafter referred to as owner; making application to be served by the City of Erin water and/or sewer utility service, there shall be full compliance with the following:

(1) The owner must submit to the City of Erin detailed plans, drawings and specifications of the proposed development of the land site, and the provisions of this section shall apply to both resident and non-resident owners.

(2) Upon the filing of such plans, drawings, and specifications, and upon the owner making due application for the utility service or services to be provided by the city, the firm of engineers, or engineer, then retained by the city, shall develop a cost estimate for the construction that shall be required in order to provide the utility service or services requested, including the inspection of the work during its progress, and this estimate of costs to include work to be performed both on-site and off-site.

(3) Once the plan of construction has been duly approved by the city, such plans shall be submitted to the Tennessee Department of Health and Environment for approval.

(4) Prior to the commencement of construction, the owner of the land site shall pay to the City of Erin ten percent (10%) of the cost estimate to be used by the city for payment for engineering services and review, legal fees, inspection and administration. In the event that the ten percent (10%) deposit is insufficient to cover all costs incurred by the city, the remainder of such costs must be paid by the owner prior to the time that the requested utility service is provided.

(5) Notwithstanding to the provisions of other city ordinances to the contrary the owner shall pay to the city, prior to any construction one-half (1/2) of the normal "tap" fee for each lot on which a dwelling house is proposed to be constructed upon the land site to be developed. The normal "tap" fee shall be paid by the owner for any land area not designated for building construction at the time the original plans of development are submitted, and such fees must be paid prior to the time that the requested utility services are provided. Also, the owner shall be liable for all engineering, inspection, legal and other costs incurred by the city in reviewing, inspecting, and approving all developments by the owner not included in the original planning.

(6) The owner shall receive credit for off-site improvements which must be paid for by the owner in order to receive the requested utility service. The credit for such off-site expenses paid by the owner shall be extended by the city by decreasing the "tap" fee costs to the owner up to, but not exceeding, the costs of such off-site costs. If the privilege fees are greater than the off-site improvement costs to the owner, then the owner to receive credit against future approved development privilege fees to the extent of such overage.

(7) All work involved in the construction of lines and facilities for the utility service to be provided shall be inspected and approved by the City of Erin, and only an employee of the City of Erin may "turn on" the utility service requested.

(8) Water meter boxes shall be constructed at ground level and the water utility shall not be turned on should an inspection show that an improper construction was made.

(9) The city must approve the manufacturer of all materials to be installed in the utility construction.

(10) Owner must have cut-off valve on each building and the deed to any purchaser shall contain a provision of ownership of lines. (1974 Code, § 13-107)

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

The authority to make water main extensions under §§ 18-108 and 18-109 is permissive only and nothing contained therein shall be construed as requiring the City of Erin to make water main extensions or to furnish service to any person or persons.

Wherever, any person, group of persons, or corporation pays the total cost of water line extension as permitted by §§ 18-108 and 18-109, of chapter 1, of title 18, of the Erin Municipal Code, the board shall have a legal right to enter into an agreement with the initial payer and/or payers of such costs to prohibit additional connections to such water line extension until such time as any applicant for water service from such extension pays to such payer and/or payers a fair share of such initial costs as may be determined by the board. Such water applicant shall also be required to pay all other costs and charges to the city as provided by other sections of the Erin Municipal Code; and all ordinances or parts thereof in conflict with the provisions of this paragraph are hereby expressly repealed. (1974 Code, § 13-108)

18-110. Meters. All meters shall be installed, tested, repaired, and removed by the City of Erin.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the City of Erin. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1974 Code, § 13-109)

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

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

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

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

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

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the City of Erin. (1974 Code, § 13-110)

18-112. Multiple services through a single meter. No customer shall supply water service to more than one (1) dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the City of Erin allows more than one (1) dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises service through a single service line and meter shall be computed as if each such dwelling or premises has received service through a separately metered service, such computation to be made at the City of Erin's applicable water rate schedule, including the provisions as to minimum bills. This bill shall be computed and billed to the customer in whose name the service is supplied. For each additional dwelling or premises served through a single service line and meter, each shall be billed under a second bill for a minimum charge(s) for each dwelling or premises served and shall be billed to the customer in whose name the service is supplied. (1974 Code, § 13-112)

18-113. Billing. All water bills shall be rendered on the first day of the month following the month in which water was used. After the fifteenth day of

each month all such water bills shall carry and there shall be paid ten percent (10%) penalty. Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise, the gross amount will apply. Payment of water bills by mail will be accepted in the net amount if the envelope containing the payment is postmarked on or before the discount date shown on the bill. Payments other than by mail bearing a postmark on or before the discount date will be accepted in gross amount only.

The City of Erin water customers and/or applicants receiving additional utilities or services from the municipality will be billed on a combination utility service bill, and the provisions set forth above relating to billing date, payment, and acceptance of payment by the City of Erin shall apply to the combination bill and the payment must be for the combined charges to be acceptable.

In the event a bill is not paid on or before ten (10) days after the discount date no final notice will be sent, and service may be discontinued without further notice. The City of Erin shall not be liable for any service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the City of Erin if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City of Erin reserves the right to render an estimated bill based on the best information available. (1974 Code, § 13-113)

18-114. Discontinuance or refusal of service. The board of mayor and aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.
- (4) The violation of any duly adopted code or regulation providing for discontinuance of water service for noncompliance.

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

Discontinuance of service by the City of Erin for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1974 Code, § 13-114)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a fee of fifty dollars (\$50.00) shall be collected during regular business hours 7:30 A.M. to 3:30 P.M. Monday through Friday and a fee of one hundred dollars (\$100.00) shall be collected after regular business hours. The fees shall be paid, prior to restored service. (1974 Code, § 13-115, as amended by Ord. #555, July 2007 and Ord. #633, June 2021 *Ch9_6-8-21*)

18-116. Termination of service by customer. Customers and/or applicants who wish to discontinue service must give at least three (3) days notice to that effect unless his contract specifies otherwise. Within thirty (30) days after discontinuance, the City of Erin shall determine amounts owed by the customer at the time of discontinuance and make a final settlement of the account. The City of Erin shall refund to the person who made the meter deposit the amount that the deposit exceeds. (1974 Code, § 13-116)

18-117. Access to customers' premises. The City of Erin's identified representatives and employees shall be granted access to all customers' premises at all reasonable times with the customer's permission, for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1974 Code, § 13-117)

18-118. Inspections. The City of Erin may, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The City of Erin reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City of Erin. (1974 Code, § 13-118)

18-119. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the City of Erin shall be and remain the property of the City of Erin. Each customer shall provide space for and exercise proper care to protect the property of the City of Erin on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly care for same, the cost of necessary repairs or replacements shall be paid by the customer and/or applicant. (1974 Code, § 13-119)

18-120. Customer's responsibility for violations. Where the City of Erin furnishes water service to a customer, such customer as well as the user shall be responsible for all violations of these rules and regulations which occur

on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1974 Code, § 13-120)

18-121. Supply and resale of water. All water shall be supplied within the City of Erin exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the City of Erin. (1974 Code, § 13-121)

18-122. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the City of Erin. (1974 Code, § 13-122)

18-123. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the City of Erin.

All private fire hydrants shall be sealed by the City of Erin, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the City of Erin a written notice of such occurrence. (1974 Code, § 13-123)

18-124. Damages to property due to water pressure. The City of Erin shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1974 Code, § 13-124)

18-125. Liability for cutoff failures. The City of Erin's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least three (3) days' written notice to cut off water service, the municipality has failed to cut off such service.

(2) The City of Erin has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main. Except to the extent stated above, the City of Erin shall not be liable for any loss or damage resulting from cutoff failures. If a customer and/or applicant wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer and/or applicant (and not the

City of Erin) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1974 Code, § 13-125)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the City of Erin 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. (1974 Code, § 13-126)

18-127. Interruption of service. The City of Erin will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The City of Erin 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 of Erin water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The City of Erin shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1974 Code, § 13-127)

18-128. Schedule of rates.

Inside Residential

First 1,000 gallons	\$14.50
Over 1,001 gallons	\$6.00 per one thousand gallons

Outside Residential

First 1,000 gallons	\$21.00
Over 1,001 gallons	\$7.25 per one thousand gallons

Inside Commercial

First 1,000 gallons	\$22.25
Over 1,001 gallons	\$7.25 per one thousand gallons

Outside Commercial

First 1,000 gallons	\$32.00
Over 1,001 gallons	\$8.50 per one thousand gallons

Industrial

<u>Meter Size</u>	<u>Minimum Charge</u>	<u>Gallons</u>	<u>Over Minimum</u>
3/4	\$70.00	20,000	\$5.50 per 1,000 gallons
1"	\$150.00	40,000	\$5.50 per 1,000 gallons
2"	\$200.00	64,000	\$5.50 per 1,000 gallons
3"	\$425.00	128,000	\$5.50 per 1,000 gallons
4"	\$587.00	200,000	\$5.50 per 1,000 gallons
6"	\$1,250.00	200,000	\$5.50 per 1,000 gallons
8"	\$1,875.00	300,000	\$5.50 per 1,000 gallons
TVA	\$3,150.00	1,400,000	\$5.50 per 1,000 gallons

Tennessee Ridge \$2.62 per 1,000 gallons
Cumberland City \$2.62 per 1,000 gallons

(1974 Code, § 13-111, as amended by Ord. #497, June 1997; Ord. #513, June 2000; Ord. #514, June 2000; Ord. #516, Aug. 2000; Ord. #518, June 2001, Ord. #519, June 2001, Ord. #553, July 2007, Ord. #599, July 2014, Ord. #602, June 2015, and Ord. #631, June 2021 *Ch9_6-8-21*)

18-129. Fluoridation of water supply. The water department is authorized and instructed to make plans for the fluoridation of the water supply of the city, and to submit plans to the Department of Health of the State of Tennessee for approval. When such plans are approved by the department the water department will add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the city water supply. All costs of such fluoridation will be borne by the revenues of the water department of the city. (1974 Code, § 13-128)

18-130. Connection fee charge. All customers requiring service of water and/or sewer shall be required to pay a connection fee of fifty dollars (\$50.00) per meter in addition to all deposit fees. (as added by Ord. #633, June 2021 *Ch9_6-8-21*)

CHAPTER 2

SEWERS¹

SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Sewer tapping fees.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Extension policies.
- 18-207. Adjustment of monthly sewer charges under certain circumstances.

18-201. Use of system regulated. All persons using, desiring, or required to use the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the Board of Mayor and Aldermen of the City of Erin. (1974 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the city recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1974 Code, § 13-202)

18-203. Sewer tapping fees. Sewer tapping fees, unless otherwise specified in the terms of any grant or loan agreement, shall be as follows:

GRAVITY FLOW

Single family residential	\$1,500.00
All other (4")	\$4,000.00
All other (6")	\$6,000.00

¹Municipal code references

Plumbing regulations: title 12.

Sanitary sewer services: title 18, chapters 7 and 8.

Policies passed August 2012 for standards and limits regarding: adjustment of utility bills due to leaks (Ord. #587); replacement of water meters and leak detection (Ord. #588); and a water meter policy statement (Ord. #589) are of record in the recorder's office.

Larger taps will be on a cost plus basis. All structures other than single family residential shall also be charged a fee equal to forty cents (\$0.40) per square foot of finished floor space.

The tapping fee shall include all materials and labor necessary to install the tap and up to thirty feet (30') of service line. Any line in excess of thirty feet (30') will be charged on a cost plus basis.

INDIVIDUAL GRINDER PUMP

For structures that require the installation of an individual grinder pump for sewer service, the tap fee and charges will be the same as for gravity flow plus the cost of the pump and all materials necessary for proper installation. City will not install, maintain or service, nor will the City of Erin be responsible in any way for said grinder pump; installation and upkeep will be done at the customer's expense. (1974 Code, § 13-203, as replaced by Ord. #553, July 2007 and amended by Ord. #634, June 2021 **Ch9_6-8-21**)

18-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted the City of Erin shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the Board of Mayor and Aldermen of the City of Erin and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1974 Code, § 13-204)

18-205. Sewer service charges. Sewer service charges shall be collected and assessed in the same manner as assessed and collected from water customers. A sewer service charge shall be collected from each person billed sewer service charge shall be based and computed upon water consumption by water customers as follows:

Residential

3/4" Meter	
First 1,000 gallons	\$13.10
All over 1,001 gallons	\$4.50 per 1,000 gallons

Industrial

<u>Meter size</u>	<u>Minimum charge</u>	<u>Gallons</u>
3/4"	\$71.40	20,000
1" and 1-1/2"	\$140.76	40,000
2"	\$228.99	64,000
3"	\$395.76	128,000
4"	\$632.40	200,000

4" without water	\$565.00	200,000
6"	\$1,071.00	200,000

Above the minimum (large meters) at 5.50 per one thousand (1,000) gallons. (1974 Code, § 13-205, as amended by Ord. #551, July 2007 and Ord. #632, June 2021 *Ch9_6-8-21*)

18-206. Extension policies. Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six-inch (6") cement-lined cast iron pipe is specified for water purposes, an eight-inch (8") pipe of salt glazed vitrified clay or other construction approved by the board of mayor and aldermen shall be substituted for sewer purposes. (1974 Code, § 13-206)

18-207. Adjustment of monthly sewer charges under certain circumstances. Customers are eligible for the adjustment of his/her monthly sewer charges in the following circumstance:

The customer is a residential customer who used extra water for lawn or garden irrigation purposes and satisfies the requirement herein. The reduction period will be for only the months of June, July, August, and September. If the consumption for a said month exceeds one hundred twenty percent (120%) of the monthly winter average calculated by averaging the months of October through May less the high and low months, the customer shall not be charged sewer charges on the excess. If the customer does not have a consumption history for a winter average calculation as set forth above herein, the consumption average for the customer's category plus twenty percent (20%) shall be used and six thousand seven hundred thirty (6,730) gallons shall be used as the average for residential applicants. (1974 Code, § 13-207)

CHAPTER 3

(this chapter was moved to title 18 chapter 7
by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

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

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred feet (200') of any boundary of said property measured along the shortest available right-of-way.
- (2) "Health officer." The Health Officer of Houston County, Tennessee, or any person or persons authorized to act as his agent.
- (3) "Human excreta." The bowel and kidney discharges of human beings.
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Construction of Septic Tanks and Disposal

¹Municipal code reference

Plumbing code: title 12, chapter 13.

Fields for Residential Uses." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1974 Code, § 8-201)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1974 Code, § 8-202)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premises accessible to the sewer no other method of sewage disposal shall be employed. (1974 Code, § 8-203)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1974 Code, § 8-204)

18-405. Registration and records of septic tank cleaners, etc.

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1974 Code, § 8-205)

18-406. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1974 Code, § 8-206)

18-407. Approval and permit required for septic tanks, privies, etc.

Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1974 Code, § 8-207)

18-408. Owner to provide disposal facilities.

It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (1974 Code, § 8-208)

18-409. Occupant to maintain disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1974 Code, § 8-209)

18-410. Only specified methods of disposal to be used.

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1974 Code, § 8-210)

18-411. Discharge into watercourses restricted.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1974 Code, § 8-211)

18-412. Pollution of groundwater prohibited.

No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of groundwater. (1974 Code, § 8-212)

18-413. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to ensure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1974 Code, § 8-213)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (1974 Code, § 8-214)

18-415. Violations. Any person, persons, firm, association, or corporation, or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1974 Code, § 8-215)

CHAPTER 5

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

18-501. Definitions.

18-502. Construction and operation subject to approval of Tennessee Department of Environment and Conservation; under supervision of the superintendent.

18-503. Statement required.

18-504. Penalty; discontinuance of water supply.

18-505. Backflow prevention.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur are considered to be cross-connections.

(2) "Public water supply" means the City of Erin Public Water System which furnishes water to public for general use and which is recognized as a public water supply by the Tennessee Department of Environment and Conservation.

(3) "Department" means the City of Erin Public Water System.

(4) "Potable water" means water which meets the criteria of the Tennessee Department of Conservation and of the Environmental Protection Agency for human consumption.

(5) "Backflow" means the reversal of the intended direction in a piping system.

(6) "Backsiphonage" means the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(7) "Auxiliary intake" means any water supply, on or available to a premises, other than that directly supplied by the public water system.

(8) "By-pass" means any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(9) "Air gap" means a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air gap separation must be at least twice the inside diameter of the supply line, but not less than two inches (2"). Where a discharge line serves as a receiver, the air gap separation shall be at least twice the diameter of the line, but not less than two inches (2").

(10) "Reduced pressure principle backflow prevention device" means an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

(11) "Double check valve assembly" means an assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each check valve.

(12) "Double check detector assembly" means an assembly of two (2) independently operating spring loaded check valves with a water meter (protected by another check valve or a reduced pressure backflow prevention device, depending upon the degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

(13) "Atmospheric vacuum breaker" means a device which prevents backsiphonage by creating an atmospheric vent when there is a negative pressure or a sub-atmospheric pressure in the water system.

(14) "Pressure vacuum breaker" means an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the check valves and relief valve.

(15) "Approved" means that the device or method is accepted by the Tennessee Department of Environment and Conservation and the Superintendent as meeting specifications suitable for the intended purpose.

(16) "Superintendent" means the Superintendent of the City of Erin Public Water System or his authorized deputy, agent or representative.

(17) "Fire protection systems."

(a) Class 1 shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs; no physical

connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1 except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, and having storage tanks filled from the public water system, with the water maintained in potable condition.

(d) Class 4 shall be those with direct connection from the public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(e) Class 5 shall be those with direct connection from the public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or from river, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. (1974 Code, § 8-301)

18-502. Construction and operation subject to approval of Tennessee Department of Environment and Conservation; under supervision of the superintendent. (1) Compliance with Tennessee Code Annotated. The water department of the City of Erin is to comply with Tennessee Code Annotated, §§ 68-221-701 to 68-221-719, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, interconnections, and establish an effective on-going program to control these undesirable water uses.

(2) Regulated. (a) It shall be unlawful for any person to cause a cross-connection to be made; or allow one (1) to exist for any purpose whatsoever unless the construction and operation of the same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direction of the Superintendent of the City of Erin Public Water System.

(b) If in the judgement of the superintendent or his designated agent, an approved backflow prevention device is required at the public water service connection to the customer premises, to protect the potable water supply, the superintendent shall compel the installation, maintenance, inspection, and testing of said device at the owner's expense.

(c) For new installations, the department shall inspect the site and/or review plans in order to determine the type of backflow prevention

device, if any, that will be required, and notify the owners in writing of the required device. All required devices must be installed and operate prior to initiation of water service.

(d) For existing premises, the department shall perform evaluations and inspections and shall require correction of violations in accordance with this chapter and the City of Erin Cross-Connection Control Program Procedures Manual.¹

(3) Maintenance or repair tag required. No installation, alteration or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first securing a maintenance or repair tag from the cross-connection control department.

(4) Inspections. The superintendent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspection and reinspections based on potential health hazards involved shall be established by the superintendent in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. The superintendent or authorized representative shall have the right to enter at any reasonable time any property served by a connection to the City of Erin Public Water System for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(5) Corrections of violations. (a) Any person found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the superintendent, but in no case shall the time for correction exceed ninety (90) days.

(b) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the superintendent of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system.

¹A copy of this manual is of record in the office of the recorder.

(c) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately.

(d) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within the time limits set by the City of Erin Public Water System shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall physically separate the public water system from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

(6) Required protective device. (a) Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

(i) Impractical to provide an effective air-gap separation;

(ii) The owner and/or occupant of the premises cannot, or is not willing to, demonstrate to the superintendent or his designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(iii) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;

(iv) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(v) There is a likelihood that protective measures may be subverted, altered, or disconnected; or

(vi) The plumbing from a private well enters the building served by the public water supply.

Then the superintendent shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(b) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the superintendent as to manufacture, model, size and application. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in subsection (6)(f) below. The installation shall be at the expense of the owner or occupant of the premises.

(c) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for most commercial and educational buildings, construction sites, all industrial,

institutional, and medical facilities, all fountains, lawn irrigation systems, swimming pools, softeners and other point of use treatment systems, and on all fire hydrant connections other than by the fire department in combating fires.

(i) Class 1, Class 2, and Class 3 fire protection systems generally shall require a double check detector assembly, except a reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler pipelines are parallel to and within ten feet (10') horizontally of pipelines carrying sewage or significantly toxic wastes;

(B) Premises have unusually complex piping systems; and/or

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(ii) Class 4, Class 5, and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(iii) Wherever the fire sprinkler system piping is not an acceptable potable water system material, or chemicals such as liquid foam concentrates are used, a reduced pressure backflow prevention device shall be required.

(d) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(e) Additionally, the superintendent may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(f) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, double check valve assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following:

(i) All required devices must be installed by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water, or its successor. Evidence of current certification at the time of installation will be required.

(ii) All devices shall be installed in accordance with the manufacturer's installation instructions, and shall possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to department test devices.

(iii) The entire device including test cocks and valves shall be easily accessible for testing and repair.

(iv) Reduced Pressure Backflow Prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed sixty inches (60").

(v) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches (6").

(vi) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(vii) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(viii) An approved air gap shall separate the relief port from any drainage system.

(ix) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve before strainer.

(x) Devices shall be located in an area free from submergence or flood potential.

(xi) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used; provided that the single drain line is at least four (4) times the area of the relief port or that the multiple drain lines are at least two and one-half (2-1/2) times the area.

(xii) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed in such a manner that backsiphonage/backflow through the drain may occur.

(xiii) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in a fire protection system, the discharge of the pump must be on the downstream side of any check valve or backflow prevention device. Where the supply for the jockey pump is taken from the upstream side or the check valve or backflow prevention device, an assembly of the same type as required on the main line shall be installed on the supply line.

(xiv) High volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches 10 psi. Ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir.

(g) Personnel of City of Erin Public Water System shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(h) Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) unit has been installed and the continuance of service is critical, the Superintendent shall notify, in writing, the occupant of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the superintendent may require the installation of a duplicate unit. The superintendent shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the superintendent. The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

(i) Testing of devices. Devices shall be tested at least annually by the Cross-Connection Control Department of the City of Erin Public Water System. Personnel of the City of Erin Public Water System shall have the right to inspect and test the devices whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(7) Nonpotable supplies. (a) The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

(b) The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background.

(c) Color coding of pipelines in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the superintendent, such color coding is necessary to identify and protect the potable water supply.

(8) Provision applicable. The requirements contained herein shall apply to all premises served by the City of Erin Public Water System and are hereby made a part of the conditions required to be met for the superintendent to provide water services to any premises. This "cross-connection" section shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination. Any person aggrieved by the action of the superintendent is entitled to a due process hearing upon timely request. (1974 Code, § 8-302)

18-503. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1974 Code, § 8-303)

18-504. Penalty; discontinuance of water supply. (1) Penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of fifty dollars (\$50.00) a day each and every day that the violation exist, until it is corrected.

(2) Independent of and in addition to fines and penalties, the superintendent may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass or interconnection, has been discontinued. (1974 Code, § 8-304)

18-505. Backflow prevention. (1) New installations. No installation, alteration, testing or change shall be made of any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing a suitable plumbing permit from the City of Erin Water Department (where appropriate), approval from the Erin Fire Official (where appropriate) and a cross-connection control devices test report with an installation/maintenance tag from the Erin Water Department. A copy of the plumbing permit (where applicable) shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection. The installation/maintenance tag shall be installed on the device following installation and testing, and shall be removed only by personnel from the Erin Water Department at the time of inspections. One (1) copy of the

cross-connection control devices test report shall be submitted to the Erin Water Department upon completion of the installations and testing.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate permits, approvals and a cross-connection control devices test report and an installation/maintenance tag from the Erin Water Department. The installation/maintenance tag shall be installed on the device following alteration, repair and/or testing, and shall only be removed by personnel from the Erin Water Department.

(3) Cross-connection control permits. A cross-connection control permit shall be required for the installation, testing, repair or alteration of any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose. Anyone wishing to install, test or repair a backflow prevention device shall provide proof of valid cross-connection control certification, and a certificate of liability insurance, prior to the issuance of a permit. The cost of a permit is five dollars (\$5.00) for each device to be installed, tested or repaired. A permit may be obtained in the business office of the Erin Water Department during normal business hours. At the time of permit issuance, the permittee should receive the following information:

(a) Cross-Connection Control Program Manual. The City of Erin has developed and extensive cross-connection control program, which outlines in detail the installation criteria, list of currently approved backflow preventative devices, and the rules and regulations concerning these devices.

(b) Installation and maintenance tag. Any person installing or maintaining any backflow prevention device shall upon completion of the work affix a completed installation and maintenance tag upon the device.

(c) Backflow prevention device test report. Any person testing any backflow prevention device shall completely fill out this report and return it to the City of Erin.

(4) Testing devices. Devices shall be tested at least annually by a qualified person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A copy of this certification shall be on file with the City of Erin for any person installing, repairing or testing backflow prevention devices shall also maintain on file with the superintendent a current copy of a valid certificate of liability insurance in an amount of not less than one hundred thousand dollars (\$100,000.00). Records of all installations, repairs and testing shall be submitted to the cross-connection program administrator upon completion. Personnel of the Erin Water Department shall have the right to inspect and/or test a device whenever deemed necessary by the City of Erin. Water service shall not be disrupted to test a device without the knowledge of the occupant of

the premises. All testing and inspection services are to be at the expense of the owner or occupant of the premises. (Ord. #506, Feb. 1999)

CHAPTER 6

WATER METER POLICY

SECTION

18-601. Purpose.

18-602. General.

18-603. Fees.

18-604. Payment of fees or fines.

18-601. Purpose. To establish policies and fees related to ownership, installation, use, testing, replacement, and damages to city water meters and accessories. (as added by Ord. #614, Aug. 2017)

18-602. General. The intent of this policy is to establish requirements related to the installation and use of the City of Erin water meters.

(1) **Applicability.** This policy establishes requirements for all existing and new water meters. The policy shall be effective upon approval by the city council.

(2) By establishment of this policy, the city is clarifying previous informal policies of the city public works department.

(3) The following requirements are made effective to all water customers of the City of Erin water system:

(a) All water used shall be metered, except for water used by public works or the fire department for firefighting or water system flushing.

(b) All new water connections for irrigation purposes shall have a separate water meter installed or have an approved backflow preventing device.

(c) The City of Erin shall own and maintain all water meters registering water consumption of the water customer from the street to the meter, including all components in the meter box. The water customer shall own and maintain all lines and any other devices beyond the meter box.

(d) All meter boxes and service lines shall be installed according to the city standards and details on file in the public works department.

(e) All water meters shall be set or reset by the City of Erin Public Works Department or a city approved contractor. Any other person removing or tampering with the city water meter will be subject to fines and penalties as established herein. Theft of city water will be subject to action as determined and prosecuted by the city attorney in addition to a fine for each time of such theft as established herein.

(f) The public works department shall service and maintain city owned water meters without charge and shall replace defective or

malfunctioning meters without charge; provided, however, if damages to the meter (including meter box and accessories) are the result of an accident or of negligence other than by a city employee or agent, then the water customer shall be liable for the expense of repairs or replacement of such damaged items. Payment must be made within thirty (30) days of invoicing of repairs or replacement or water service to the premises will be discontinued.

(g) The public works department can obtain a shop test of a three-fourths inch (3/4") water meter for a fee and provide a written certification of its accuracy. Should the test find the meter to be greater than five percent (5%) over true quantity, the fee will be returned, and an adjustment in the water bill made for a maximum of three (3) months of use for the overage amount. If the meter is found to be over the under true quantity by more than five percent (5%), the meter will be replaced at no expense to the customer.

(h) There will be a non-refundable fee of twenty-five dollars (\$25.00) assessed to each new customer account and or transfer of accounts. This fee is in addition to the refundable meter deposits as addressed in the service agreement.

(i) Leaks on the customers' side of the water meter that are no fault of the City of Erin must be repaired within thirty (30) days of notification by the DPW. In the event leaks are not repaired in a timely manner service may be suspended.

(j) In the event of a leak that has been proven to be of no negligence or responsibility of the City of Erin an adjustment may be made on a case by case basis as prescribed in the adjustment policy:

(k) Water meter re-check will be done at no cost to the customer for the first visit. A fee of twenty-five dollars (\$25.00) will be added to the customer's account for each visit thereafter. If the City of Erin is in any way at fault or found negligent all fees will be refunded. (as added by Ord. #614, Aug. 2017)

18-603. Fees. The following fees are hereby established as related to this water meter policy and such are subject to change by the city council upon a favorable vote:

(1)	Water meter accuracy test	\$50.00 Fee
(2)	Tampering with city water meter	\$200.00 Fine
(3)	Theft of water, including fire hydrants	\$100.00 Fine
(4)	Damaged 3/4" water meter and or hardware replacement	\$350.00
(5)	Damaged meter box replacement	\$200.00 (as added by Ord. #614, Aug. 2017)

18-604. Payment of fees or fines. Payment of the above fees or fines shall be made by the water customer within thirty (30) days of invoicing or the service may be discontinued. (as added by Ord. #614, Aug. 2017)

CHAPTER 7

GENERAL WASTEWATER REGULATIONS¹

SECTION

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18-701. Purpose and policy. This chapter sets forth uniform requirements for users of City of Erin, Tennessee, wastewater treatment system and enables the sewer department to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the sewer department to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge and biosolid use and disposal requirement, and any other federal or state industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the sewer department must have adequate wastewater treatment

¹Ordinance's original formatting retained for ease of future updates.

either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the county who are, by implied contract or written agreement with the sewer department, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 8 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with or cause violations to occur at the wastewater treatment facility. Chapter 8 details permitting requirements including 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. (1974 Code, § 13-2A01, as replaced by Ord. #622, Aug. 2019 **Ch9_6-8-21**)

18-702. Administrative. Except as otherwise provided herein, the general manager shall serve as the local administrative officer of the sewer department and shall administer, implement, and enforce the provisions of this chapter. The board of the sewer department shall serve as the local hearing authority. (1974 Code, § 13-2A01, as replaced by Ord. #622, Aug. 2019 **Ch9_6-8-21**)

18-703. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

"Administrator." The administrator or the United States Environmental Protection Agency.

"Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. §§ 1251, *et seq.*

"Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

"Authorized or duly authorized representative of industrial user":

(a) If the user is a corporation:

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

(ii) The manager of one (1) or more manufacturing, production, or operating facilities; provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with

environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individual described in subsections (a) to (c) above may designate a duly authorized representative 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 sewer department.

"Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-709 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees Centigrade (20°C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

"Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

"Categorical pretreatment standard or categorical standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405471.

"City or county." The Sewer Department of Houston County, Tennessee.

"Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

"Compatible pollutant." BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in sewer department's NPDES permit for its

wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

"Composite sample." A sample composed of two (2) or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

"Control authority." The "approval authority," defined herein above; or the local hearing authority if the sewer department has an approved pretreatment program under the provisions of 40 CFR § 403.11.

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

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

"Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a twenty-four (24) hour calendar day.

"Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

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

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

"Garbage." Solid wastes generated from any domestic, commercial or industrial source.

"Grab sample." A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one (1) detention period. The detention period is to be based on a twenty-four (24) hour average daily flow value. The average daily flow used

will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

"Grease interceptor." An interceptor whose rated flow is fifty gallons per minute (50 g.p.m.) or less and is generally located inside the building.

"Grease trap." An interceptor whose rated flow is fifty gallons per minute (50 g.p.m.) or more and is located outside the building.

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

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

"Indirect discharge." The introduction of pollutants into the WWF from any nondomestic source.

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

"Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

"Instantaneous limit." The maximum concentration 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.

"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.

"Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the sewer department treatment works or collection system.

"Local administrative officer." The chief administrative officer of the local hearing authority.

"Local hearing authority." City of Erin Council or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-805.

"Pretreatment standards or standards." Prohibited discharge standards, categorical pretreatment standards, and local limits.

"NAICS, North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) system.

"New source." (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 Clean Water 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;

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes 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 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 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 (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this section 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 cleaning, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(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 subsection (c).

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

"Pass-through." A discharge which exits the Wastewater Facility (WWF) into waters of the state 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 WWF's NPDES permit including an increase in the magnitude or duration of a violation.

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

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

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

"Pollutant." Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxics from sewer department, or odor discharge into water).

"Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW, The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR § 403.6(d).

"Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

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

"Pretreatment standards or standards." A prohibited discharge standard, categorical pretreatment standard and local limit.

"Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the 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. The term also means the municipality 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. See WWF, Wastewater Facility, below.

"Shall" is mandatory; "May" is permissive.

"Significant industrial user."

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

(b) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; 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 WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

"Significant noncompliance." Per 1200-4-14-.08(6)(b)8:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) "Technical Review Criteria (TRC) violations," defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-805(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control

mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

"Slug." Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or permit conditions.

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

"State." The State of Tennessee.

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

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

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

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

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

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

"User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if

a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

"Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

"Wastewater facility." Any or all of the following; the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

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

"1200-4-14." Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements. (1974 Code, § 13-2A02, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-704. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of sewer department, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Except as provided in subsection (6) below, the owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available property owners shall within sixty (60) days after date of official notice to do so, connect

to the public sewer. Service is considered "available" when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Where a public sanitary sewer is not available under the provisions of subsection (4) above the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-705.

(6) 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. (1974 Code, § 13-2A03, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-705. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-704(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the sewer department. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the sewer department to do so.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department. The application for such approval shall be made on a form furnished by the county health department which the applicant shall supplement with any plans or specifications that the department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) 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 county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the sewer department and the county health department. (1974 Code, § 13-2A04, as replaced by Ord. #622, Aug. 2019 **Ch9_6-8-21**)

18-706. Connection to public sewers. (1) Application for service.

(a) There shall be two (2) classifications of service:

(i) Residential; and

(ii) Service to commercial, industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a special form furnished by the sewer department. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include, but are not limited to, those required by this chapter. Service connection fees for establishing new sewer service are paid to the sewer department. Industrial user discharge permit fees may also apply. The receipt by the sewer department of a prospective customer's application for connection shall not obligate the sewer department to render the connection. If the service applied for cannot be supplied in accordance with this chapter and sewer department's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the sewer department to the applicant for such service.

(b) Users shall notify the sewer department of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The sewer department may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective day of this chapter. The owners of any building sewer having such connections, leaks or defects shall bear all of the costs incidental to removal of such sources. Pipes,

sumps and pumps for such sources of groundwater shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The sewer department shall make all connections to the public sewer upon the property owner first submitting a connection application to the sewer department.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the sewer department at the time the application is filed.

The applicant is responsible for excavation and installation of the building sewer which is located on private property. The sewer department will inspect the installation prior to backfilling and make the connection to the public sewer.

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

(c) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where property is subdivided and buildings use a common building sewer are now located on separate properties, the building sewers must be separated within sixty (60) days.

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

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

(i) The minimum size of a building sewer shall be as follows: Conventional sewer system - four inches (4").

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

(iii) Building sewers shall be laid on the following grades: Four-inch (4") sewers - one-eighth inch (1/8") per foot.

Larger building sewers shall be laid on a grade that will produce a velocity of flow of at least two feet (2') per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinyl chloride pipe schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five feet (5') outside of the building, as it crosses the property line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of six-inch (6") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4"). Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the sewer department and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage earned by such building drain shall be lifted by an approved pump system according to § 18-707 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the sewer department or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed

procedures and materials must be approved by the superintendent before installation.

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

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

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(h) Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

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

(4) Maintenance of building sewers. Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the sewer department. Owners failing to maintain or repair building sewers or who allow groundwater or groundwater to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the sewer department. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one (1) year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to

acknowledge transfer of ownership to the sewer department. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service. (1974 Code, § 13-2A05, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-707. Septic tank effluent pump or grinder pump wastewater systems. When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the sewer department.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the sewer department.

(b) Pumps must be approved by the sewer department and shall be maintained by the property owner.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the sewer department. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the sewer department and connection will be made to the sewer department sewer only after inspection and approval of the sewer department.

(4) Ownership and easements. Homeowners or developers shall provide the sewer department with ownership of the equipment and an easement for access to perform necessary maintenance or repair. Access by the sewer department to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the sewer department. However, pumping required more frequently than once every five (5) years shall be billed to the homeowner.

(7) Additional charges. The sewer department shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for similar problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (1974 Code, § 13-2A06, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-708. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the sewer department to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the sewer department to be set as specified in § 18-807 of this chapter. Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in three inch (3") permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

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

wastewater or excreta disposal systems within the service area of sewer department.

(5) Trucked in waste. This subsection (5) includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping. (1974 Code, § 13-2A07, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-709. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of §§ 18-710 or 18-805. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) using the test methods specified in 40 CFR § 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the sewer department, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds forty degrees Celsius (40°C) or one hundred four degrees Fahrenheit (104°F) unless approved by the State of Tennessee.

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

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

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in noncompliance with sludge use or disposal criteria, 40 CFR part 503, guidelines, or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES permit or the receiving water quality standards.

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

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

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

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

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxic sewer department tests.

(s) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local limits. In addition to the general and specific prohibitions listed in this section, users permitted according to chapter 8 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A - Plant Protection Criteria, unless specifically allowed by their discharge permit according to chapter 8 of this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - Plant Protection Criteria

<u>Parameter</u>	<u>Maximum Concentration (mg/l)</u>
Arsenic	0.0053
Benzene	0.01875

Parameter	Maximum Concentration (mg/l)
Cadmium	0.005
Carbon Tetrachloride	0.015
Chloroform	0.085
Chromium (total)	0.06
Copper	0.08
Cyanide	0.01132
Ethylbenzene	0.004
Lead	0.045
Mercury	0.0003
Methylene chloride	0.05
Molybdenum	0.0021
Naphthalene	0.001
Nickel	0.18
Phenol	0.05
Selenium	0.0029
Silver	0.005
Tetrachloroethylene	0.025
Toluene	0.015
Total Phthalate	0.064
Trichlorethlene	0.01
1,1,1 -Trichloroethane	0.03
1,2 Transdichloroethylene	0.0015
Zinc	0.2

(4) Fats, oils and grease traps and interceptors. (a) 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, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single-family residences, but may be required on multiple-family residences. 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.

(b) Fat, oil, grease, and food waste. (i) 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.

(ii) 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 potential problems to structures or equipment in the public sewer system.

(iii) 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; and

(B) Service and maintain the equipment in order to prevent 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 plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) 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 shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall 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.

(d) **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 one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) **Control equipment.** The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable sewer department 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 sewer department is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the sewer department. Nothing in this subsection (4) shall be construed to prohibit or restrict any other remedy the sewer department has under this chapter, or state or federal law. The sewer department retains the right to inspect and approve installation of control equipment.

(f) **Solvents prohibited.** The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the sewer department is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under § 18-802 to regulate the discharge of fat, oil and grease. (1974 Code, § 13-2A08, as replaced by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-710. Enforcement and abatement. Violators of these wastewater regulations may be cited to the sewer department court, general sessions court, chancery court, or other court of competent jurisdiction, face fines, have sewer service terminated or the sewer department may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to chapter 8. Repeated or continuous violation of this chapter is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The sewer department may take any or all the following remedies:

(1) Cite the user to the sewer department or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (1974 Code, § 13-2A09, as replaced by Ord. #622, Aug. 2019 ***Ch9_6-8-21***)

18-711.--18-713. Deleted. Deleted. (as deleted by Ord. #622, Aug. 2019 ***Ch9_6-8-21***)

CHAPTER 8**INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS¹****SECTION**

- 18-801. Industrial pretreatment.
- 18-802. Discharge permits.
- 18-803. Industrial user additional requirements.
- 18-804. Reporting requirements.
- 18-805. Enforcement response plan.
- 18-806. Enforcement response guide table.
- 18-807. Fees and billing.
- 18-808. Validity.

18-801. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR part 403 and Tennessee Pretreatment Rules § 1200-4-14 and to fulfill the purpose and policy of this chapter the following regulations are adopted.

(1) User discharge restrictions. All system users must follow the general and specific discharge regulations specified in § 18-709 of this title.

(2) Users wishing to discharge pollutants at higher concentrations than Table A - Plant Protection Criteria of § 18-709, or those dischargers who are classified as significant industrial users will be required to meet the requirements of this chapter. Users who discharge waste which falls under the criteria specified in this chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in § 18-805.

(3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.

(4) Discharge permits shall limit concentrations of discharge pollutants to those levels that are established as Table B - Local Limits or other applicable state and federal pretreatment rules which may take effect after the passage of this chapter.

¹Ordinance's original formatting retained for ease of future updates.

Table B - Local Limits

(Local limits shall be calculated by the LAO when requested by a potential SIU)

<u>Pollutant</u>	<u>Monthly Maximum Concentration (mg/l)</u>	<u>Average*</u>	<u>Daily Maximum Concentration (mg/l)</u>
Arsenic	Local limits		
Benzene Cadmium			
Carbon Tetrachloride			
Chloroform			
Chromium (total)			
Copper			
Cyanide			
Ethybenzene			
Lead			
Mercury			
Methylene chloride			
Molybdenum			
Napthalene			
Nickel			
Phenol			
Selenium			
Silver			
Tetrachloroethylene			
Toluene			
Total Phthalate			
Trichlorethlene			

<u>Pollutant</u>	<u>Monthly Maximum Concentration (mg/l)</u>	<u>Average*</u>	<u>Daily Maximum Concentraion (mg/l)</u>
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1,1,1 Trichoroethane

1,2

Transdichloroethylene

Zinc

*Based on twenty-four (24) hour flow proportional composite samples unless specified otherwise.

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste arc not subject to surcharges.

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A - Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the sewer department the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or

the United States Environmental Protection Agency. (as added by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-802. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the sewer department sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-706 and an inspection has been performed by the superintendent or his representative.

The receipt by the sewer department of a prospective customer's application for connection shall not obligate the sewer department to render the connection. If the service applied for cannot be supplied in accordance with this chapter and sewer department's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the sewer department to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) **General requirements.** All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within one hundred eighty (180) days after the effective date of this chapter.

(b) **Applications.** Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the sewer department and shall include, but not be limited to, the following information: name, address, and SIC/NAICS number of the applicant; wastewater volume; wastewater constituents and characteristic, including, but not limited to, those mentioned in § 18-709 and § 18-801; discharge variations—daily, monthly, seasonal and thirty (30) minute peaks; a description of all chemicals handled on the premises; each product produced by type,

amount, process or processes and rate of production; type and amount of raw materials; number and type of employees; hours of operation; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities; and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the sewer department under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this subsection (2)(b)(iv), "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter.

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

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

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and

the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the sewer department.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this chapter, state rules, categorical pretreatment standards, local, state, and federal laws;

(D) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary, per Tennessee Rule § 1200-4-14-.08(6)a)3.(iii)(VI);

(G) Requirement to notify the WWF immediately if changes in the user's processes affect the potential for a slug discharge, per Tennessee Rule § 1200-4-14-.08(6)(b)6; and

(H) Requirement to evaluate slug discharges, per Tennessee Rule § 1200-4-14-.08(6)(b)6.

(ii) Additionally, permits may contain the following:

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

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

- (C) Compliance schedules;
- (D) Requirements for submission of technical reports or discharge reports;
- (E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the sewer department, and affording the sewer department access thereto;
- (F) Requirements for notification of the sewer department sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;
- (G) Prohibition of bypassing pretreatment or pretreatment equipment;
- (H) Effluent mass loading restrictions; and
- (I) Other conditions as deemed appropriate by the sewer department to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least sixty (60) days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the sewer department. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked

in whole or in part during its term for cause including, but not limited to, the following:

- (i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
- (ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
- (iii) A change in:
 - (A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - (B) Strength, volume, or timing of discharges; and/or
 - (C) Addition or change in process lines generating wastewater.
- (iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

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

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user. (as added by Ord. #622, Aug. 2019 **Ch9_6-8-21**)

18-803. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator.

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

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

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR part 136 and appropriate EPA guidance. Multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

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

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance include adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The sewer department may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of

premises where wastewater is created or discharged shall allow the sewer department or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The sewer department, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The sewer department will utilize qualified sewer department personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from sewer department, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

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

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at the startup of the industrial process and be in full compliance of effluent standards within ninety (90) days of the startup of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance.

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

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

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

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

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (as added by Ord. #622, Aug. 2019 **Ch9_6-8-21**)

18-804. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under § 18-805.

(1) Baseline monitoring report. (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 Tennessee Rule § 1200-4-14-.06(l)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in subsection (1)(b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the superintendent a report which contains the information listed in subsection (1)(b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards.

A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying information. The user name, address of the facility including the name of operators and owners.

(ii) Permit information. A listing of any environmental control permits held by or for the facility.

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

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR part 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection (1)(b).

(F) Samples should be taken 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 concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards.

(G) Sampling and analysis shall be performed in accordance with 40 CFR part 136 or other approved methods.

(H) The superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(I) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's duly 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.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. 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 § 18-804(2).

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-804(14) of this chapter and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-804(1)(d):

(a) 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, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components,

commencing and completing construction, and beginning and conducting routine operation).

(b) No increment referred to above shall exceed nine (9) months.

(c) The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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 user to return to the established schedule.

(d) In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(3) Reports 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 WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in section § 18-804(1)(b)(iv) and (1)(b)(v). For all other 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 user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (14) below. All sampling will be done in conformance with subsection (11) below.

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the superintendent, submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this chapter.

(c) All wastewater samples must be representative of the 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 a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the

procedures prescribed in subsection (11) below, the results of this monitoring shall be included in the report

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the 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 superintendent may require the 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 § 18-801.

(b) The superintendent may issue an individual wastewater discharge permit under § 18-802 or modify an existing wastewater discharge permit under § 18-802 in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (6)(a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require to determine the user's status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within thirty (30) days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the sewer department performs sampling at the user's facility at least once a month, or if the sewer department performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the sewer department receives the results of this sampling, or if the sewer department has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. 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 user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the 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 and eighty (180) days after the discharge commences. Any notification under this subsection (9)(a) need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-804(5). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-804(1), 18-804(3), and 18-804(4).

(b) Dischargers are exempt from the requirements of subsection (9)(a) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute 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 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 user must notify the superintendent, the EPA Regional Waste Management Waste 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 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) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, 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, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in sections (11)(b) and (11)(c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the sewer department, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the

laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the sewer department, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections (1) and (3) above, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) above, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-808. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 the user or the sewer department, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

"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 fine and imprisonment for knowing violations."

Reports required to have signatures and certification statements include permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements. (as added by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-805. Enforcement response plan. Under the authority of Tennessee Code Annotated, §§ 69-3-123, et seq.

(1) Complaints; notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of City of Erin/Houston County Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in § 18-805(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in Tennessee Code Annotated, § 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (1)(a)(i) through (1)(a)(iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the sewer department or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory

correction and prevention including specific actions. 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 limits the authority of the sewer department to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one (1) of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. 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 specified time, 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.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative

officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

(2) If the violator fails to respond or is unable to respond to the order, the local administrative officer may take any emergency action as the local administrative officer deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the person or persons responsible for the emergency condition for actual costs incurred by the sewer department in meeting the emergency.

(ii) Appeals from orders of the local administrative officer. (A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2) below. The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings. (a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection (2), the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written

petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subsection (2)(a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Houston County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (2)(b) below; and

(viii) Any person to whom an emergency order is directed under § 18-805(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in Tennessee Code Annotated, §§ 27-8-101, et seq., within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (1)(a) or (1)(b) above, the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer 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 the action, and a request that the user show cause why the proposed enforcement action should 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. The 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 prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, administrative civil penalty. Under the authority of Tennessee Code Annotated, § 69-3-125:

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(A) Unauthorized discharge, discharging without a permit;

(B) Violates an effluent standard or limitation;

(C) Violates the terms or conditions of a permit;

(D) Fails to complete a filing requirement;

(E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

(F) Fails to pay user or cost recovery charges; or

(G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

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

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a), shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the sewer department resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have

violated or is about to violate the pretreatment program, tills section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in § 18-802(2)(g), users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

- (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 the general discharge prohibitions in § 18-709.
- (f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties—special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(a) Levels of noncompliance. (i) Insignificant noncompliance: For the purpose of this subsection (7), insignificant noncompliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(ii) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for each parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(B) "Technical Review Criteria (TRC) violations," defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant

parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(C) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under § 18-805(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

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

(F) Failure to provide, within forty-five (45) days after their due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations, which may include a violation of best management practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(I) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(b) Any significant noncompliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public Notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of

the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (9)(c), (9)(d) or (9)(h) below) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(b) "Technical Review Criteria (TRC) violations," defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-807 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;

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

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

(f) Failure to accurately report noncompliance;

(g) Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program; or

(h) Continuously monitored pH violations that exceed limits for a time period greater than fifty (50) minutes or exceed limits by more than 0.5 s.u. more than eight (8) times in four (4) hours.

(10) Criminal penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States. (as added by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-806. Enforcement response guide table. (1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this chapter.

(2) Enforcement response guide table. The applicable officer shall use the schedule found in Appendix A to impose sanctions or penalties for the violation of this chapter. (as added by Ord. #622, Aug. 2019 *Ch9_6-8-21*)

18-807. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the sewer department's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the sewer department's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C);
- (e) Waste hauler permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the sewer department may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-802.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the sewer department at the time the application is filed.

(5) Sewer user charges.¹ The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-807 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the sewer department for the necessary compliance monitoring and other administrative duties of the pretreatment program.

¹Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the Erin City Recorder.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violation are categorized in the Enforcement Response Guide Table (Appendix A). The local administrative officer may access a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	\$50.00-\$500.00
Category 3	\$500.00-\$41,000.00
Category 4	\$1,000.00-\$5,000.00
Category 5	\$5,000.00-\$10,000.00 (as added by Ord. #622, Aug. 2019 <i>Ch9_6-8-21</i>)

18-808. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Erin Water and Sewer Department. (as added by Ord. #622, Aug. 2019 *Ch9_6-8-21*)