

TITLE 18

WATER AND SEWERS¹

CHAPTER

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2. SEWER USE AND WASTEWATER TREATMENT.
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CHAPTER 1

WATER AND SEWERS

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18-101. Board of waterworks and sewer commissioners. Pursuant to the provisions of Tennessee Code Annotated 7-35-406, the board of mayor and aldermen elect to perform the duties required by the board of waterworks and sewerage commissioners and to possess all powers, duties and responsibilities relevant thereto until such time as it appoints a separate board pursuant to statute. (1983 Code, § 13-101)

18-102. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1983 Code, § 13-102)

18-103. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality under either an express or implied contract.

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

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the 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) "Due date" shall mean the 15th of the month after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water and/or sewer bills can be paid at net rates.

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

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

(7) "Board" means the board of waterworks and sewerage commissioners of the Town of Jasper. (1983 Code, § 13-103)

18-104. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before

connection or meter installation orders will be issued and work performed. (1983 Code, § 13-104)

18-105. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality 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 municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1983 Code, § 13-105)

18-106. Deposit. The customer shall deposit with the town such reasonable sums of money as may be required by the town as continuing security for the performance of the obligations contracted for by the customer, and a failure to make such deposit will give the town the right to declare the contract forfeited and to refuse or to discontinue service. The following amounts of deposit shall in all instances be required:

	<u>Property Owner</u>	
<u>Meter Size</u> <u>(inches)</u>		<u>Deposit</u>
5/8		\$ 50.00
1		\$100.00
1½		\$150.00
2		\$200.00
	<u>Tenant Occupied</u>	
5/8		\$100.00
1		\$200.00
1½		\$300.00
2		\$400.00

The town may, if deemed necessary, require a customer to make additional deposits as security for customer performance. Upon termination of the service, the deposit may be applied by the town against any obligations of the customer to the town. Any part of the deposit which is not so applied will be refunded to the customer upon demand. (Ord. # 176, June 1990)

18-107. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1983 Code, § 13-107)

18-108. Establishment of water and sewer service areas and service connection (tap) fees and system capacity charges in those areas.

(1) Water. (a) Establishment of water service areas. The Town of Jasper currently provides water service to all areas within the corporate limits of the Town of Jasper, and to several areas in Marion County outside the corporate limits. It costs more to provide water services to certain areas than to others. The following water service areas are hereby established:

(i) Jasper Water Service Area. This area includes all property within the corporate limits of the Town of Jasper as of January 1, 2007;

(ii) Highway 41/Shellmound Water Service Area. This area includes all property not located within the corporate limits of the Town of Jasper as of January 1, 2007, and which is located east of the Sequatchie River, south of East Valley Road, and west of the Tennessee River;

(iii) East Nickajack Water Service Area. This area includes all property located east of the Tennessee River;

(iv) Sequatchie, East Valley Road, and misc. water service area. This area includes all properties located outside the corporate limits of the Town of Jasper and not included within the above three (3) described water service areas.

(b) Water service connection fee and system capacity charge. Before connecting with the Town of Jasper's water system, the applicant (proposed customer) shall pay a service connection fee and a system capacity charge for the water service areas indicated in the following amounts:

	Service Connection Fee Connection by town	Service Connection Fee Connection by others	System Capacity Charge
Jasper Water Service Area			
5/8" meter	\$350.00	\$150.00	\$1,200.00 ¹
5/8" meter (radio)	\$650.00	\$350.00	\$1,200.00
Highway 41/Shellmound			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00
East Nickajack Water			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00
Sequatchie, East Valley Road, and miscellaneous water service area			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00

¹The system capacity charge shall be five hundred dollars (\$500.00) for customers within all water service areas who connect service directly to a public water line which was in service before January 1, 2005, or who connect to a public water line extension constructed by others at no cost to the Town of Jasper where said water line, in turn, connects directly to a public water line which was in service before January 1, 2005. However, this provision shall not apply where the Town of Jasper must make capital improvements to the town's existing water transmission or distribution system in order to provide adequate service to the new customer(s). The system capacity charge for customers in all service areas who connect service directly to a public water line which was placed in service on or after January 1, 2005, or who connect to a public water line extension where said water line, in turn, connects directly to a public water line which was not in service before January 1, 2005, shall be one thousand two hundred dollars (\$1,200.00).

As used herein, a public water line is considered to be "in service" if it has been tested, inspected, and accepted by the Town of Jasper and is available to provide service to customers who connect to it.

A public water line, which was in service before January 1, 2005, is still considered to be in service before that date, even if it is subsequently replaced with a new line, provided that the replacement line is of the same size as the original line.

In addition to the above, the actual cost to the Town of Jasper for road cut or bore, or rock trenching that may be required for a service connection shall be paid by the applicant/customer.

The water service connection fee, system capacity charge, and any additional cost for road cut, bore or rock trenching shall be paid to the Town of Jasper at the time the service is requested by the applicant.

In new subdivisions, the contractor may be allowed by the water and sewer board to install the service lines, but if so allowed, it shall be in accordance with town's policies and regulations, and the connection fee and system capacity charge shall be paid as set forth above.

When a service line is completed and accepted, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

(2) Sewer. (a) Establishment of sewer service areas. The Town of Jasper currently provides sewer service to the downtown area, Industrial Boulevard, and to most residential developments within the corporate limits. The town provides some sewer services outside the corporate limits, which are currently limited to Industrial Boulevard, and to the Highway 28, Whitwell/Crossroads area, and it is anticipated that sewer services will be extended along Highway 41 to Hancock Road and to the Shellmound area of Marion County. It costs more to provide such services to residents and businesses located a further distance from the wastewater treatment plant. The following sewer service areas are hereby established:

(i) Jasper Sewer Service Area. This area includes all property within the corporate limits of the Town of Jasper as of January 1, 2007, and those businesses located on Industrial Boulevard as of January 1, 2007, which are in close proximity to the Town of Jasper's wastewater treatment plant;

(ii) Whitwell/Crossroads Sewer Service Area. This area includes all property located outside the corporate limits of the Town of Jasper as of January 1, 2007, and located along State Highway 28, connecting with the City of Whitwell and the Town of Powells Crossroads;

(iii) Highway 41/Shellmound Sewer Service Area. This area includes all property located east of the Sequatchie River, south of the East Valley Road, and west of the Tennessee River.

(b) Sewer service connection fee and system capacity charge. Before connecting with the Town of Jasper's sewer system, the applicant (proposed customer) shall pay a service connection fee and a system capacity charge for the sewer service areas indicated in the following amounts:

	Service Connection Fee Connection by town	Service Connection Fee Connection by others	System Capacity Charge
Jasper Sewer Service Area			
4" gravity service line	\$400.00	\$ 50.00	\$1,600.00 ¹
1 1/2" pressure service line	\$350.00	\$ 50.00	\$1,600.00
Whitwell/Crossroads Sewer Service Area			
4" gravity service line	\$450.00	\$100.00	\$1,600.00
1 1/2" pressure service line	\$400.00	\$100.00	\$1,600.00
Highway 41/Shellmound Sewer Service Area			
4" gravity service line	\$450.00	\$100.00	\$1,600.00
1 1/2" pressure service line	\$400.00	\$100.00	\$1,600.00

¹The system capacity charge shall be five hundred dollars (\$500.00) for customers within all water service areas who connect service directly to a public water line which was in service before January 1, 2005, or who connect to a public water line extension constructed by others at no cost to the Town of Jasper where said water line, in turn, connects directly to a public water line which was in service before January 1, 2005. However, this provision shall not apply where the Town of Jasper must make capital improvements to the town's existing water transmission or distribution system in order to provide adequate service to the new customer(s). The system capacity charge for customers in all service areas who connect service directly to a public water line which was placed in service on or after January 1, 2005, or who connect to a public water line extension where said water line, in turn, connects directly to a public water line which was not in service before January 1, 2005, shall be one thousand two hundred dollars (\$1,200.00).

As used herein, a public water line is considered to be "in service" if it has been tested, inspected, and accepted by the Town of Jasper and is available to provide service to customers who connect to it.

A public water line, which was in service before January 1, 2005, is still considered to be in service before that date, even if it is subsequently replaced with a new line, provided that the replacement line is of the same size as the original line.

In addition to the above, the actual cost to the Town of Jasper for road cut or bore, or rock trenching that may be required for a service connection, shall be paid by the applicant/customer.

The sewer service connection fee, system capacity charge, and any additional cost for road cut, bore or rock trenching shall be paid to the Town of Jasper at the time the service is requested by the applicant.

In new subdivisions, the contractor may be allowed by the water and sewer board to install the service lines, but if so allowed, it shall be in accordance with town's policies and regulations, and the connection fee and system capacity charge shall be paid as set forth above.

For gravity sewers, when a service line is completed and accepted, the town shall be responsible for the maintenance and upkeep of such service line from the gravity main to the customer's property line. The remaining portion of the service line from the property line shall belong to and be the responsibility of the customer.

For pressure sewer systems, when the pump and service line are completed and accepted, the town shall be responsible for upkeep of the pump and service line from the pump to the pressure main in accordance with the town's polices and regulations.

(3) The Town of Jasper shall make appropriate refunds to all water and sewer customers who have connected service directly to public water lines and public sewer lines that were in existence before January 1, 2005, or who have connected service to a water or sewer line extension constructed by others at no cost to the Town of Jasper where said water or sewer line, in turn, connects directly to a public water or sewer line which was in service before January 1, 2005, to the extent said customers have paid a capacity charge in excess of five hundred dollars (\$500.00).

(4) The total capacity charge for customers within all water and sewer service areas who apply to connect service directly to a public sewer and/or water line for a multi-unit residential establishment, a commercial or institutional establishment, or an industrial facility, shall be calculated by multiplying the applicable capacity charge as provided herein times the estimated daily flow expressed in terms of the number of equivalent residential units (using one hundred fifty (150) gallons of water per day per equivalent residential unit). When estimated flows exceed ten equivalent residential units, the number of equivalent residential units for the purposes of the total capacity charges will be adjusted according to the following table:

Number of Equivalent Residential Units Based on Estimated Flow	Number of Equivalent Residential Units for Total Capacity Charge
10	10
20	15
30	18
40	21
50	24
70	29
100	35
150	44
200	51

(1983 Code, § 13-108, as amended by Ord. # 176, June 1990, and Ord. #279, April 2002, replaced by Ord. #317, July 2007, and amended by Ord. #330, Dec. 2008)

18-109. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions ductitile iron pipe, class 50 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the governing body) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such

mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1983 Code, § 13-109)

18-110. Variances from and effect of preceding section as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1983 Code, § 13-110)

18-111. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

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 town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1983 Code, § 13-111)

18-112. Meter tests. The town 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"	2%
1"	2%
1/2" and 2"	4%
Over 2"	5%

The town 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"	\$ 10.00
1	20.00
1/2" and 2"	30.00
Over 2"	Actual cost or \$30 whichever is greater

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1983 Code, § 13-112)

18-113. Schedule of rates. (1) Water. All water furnished by the Town of Jasper shall be measured or estimated in gallons to the nearest multiple of one hundred (100), and shall be furnished under the following rate schedule in the water service areas as indicated:¹

	Monthly Charges	
	<u>Inside Town Limits</u>	<u>Outside Town Limits</u>
Jasper Water Service Area		
0 - 2,000 gallons (minimum bill)	\$5.60	\$11.00
Over 2,000 gallons	\$2.50 per 1,000 gal.	\$3.75 per 1,000 gal.
Highway 41/Shellmound Water Service Area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.
East Nickajack Water Service Area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.
Sequatchie/East Valley Road and miscellaneous water service area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.

¹The water service areas provided water service by the Town of Jasper are established in Jasper Municipal Code § 18-108(1)(a).

A service line maintenance fee of four dollars (\$4.00) per month per meter shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof and added onto the system as a result of the "Sequatchie Water Project." This shall be in addition to the applicable schedule of rates charged for water supplied to those living outside the corporate limits.

Beginning July 1, 2006, a service line maintenance fee of five dollars (\$5.00) per month per meter shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof and located on the east side of the Tennessee River. This shall be in addition to the applicable schedule of rates for water supplied to those living outside the corporate limits.

A service line maintenance fee of three dollars (\$3.00) per month per meter shall remain in effect and shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof, but not connected to the supply lines resulting from the "Sequatchie Water Project" or located on the east side of the Tennessee River. This also shall be in addition to the applicable water rates charged those customers.

(2) Sewer.

(a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

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

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

(b) Determination of costs. 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. In establishing these rates and charges, the board of mayor and aldermen shall give consideration to the cost categories of administration costs, including, but not limited to, billing and accounting costs; operation and maintenance costs; and debt service costs.

(1) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of wastewater discharged (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

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

Where:

C_i = The Class I total unit cost in \$/1,000 gallons.
 $T.S.C.$ = The total operation and maintenance, administration, and debt service determined by yearly budget projections.
 V_t = The total volume of wastewater contribution from all users per year as determined from projections from one town fiscal year to the next.

It is understood, however, that adjustments shall be made in the sewer rate established for users who are located outside of the corporate limits. Extension of the sewer line outside of the corporate limits results in additional capital and maintenance costs to the town and other considerations must be given in establishing said rate.

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

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

(4) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in subsection (3), above, thus being classified in Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_{u+} B_c B_u + S_c S_u$$

Where:

C_u	=	Total user charge per unit of time.
V_c	=	Total cost for transportation and treatment of a unit of wastewater volume.
V_u	=	Volume contribution per unit of time.
B_c	=	Total cost for treatment of a unit of Biochemical Oxygen Demand (BOD).
B_u	=	Total BOD contribution from a user per unit of time.
S_c	=	Total cost of treatment of a unit of suspended solids.
S_u	=	Total suspended solids contribution from a user per unit of time.

(5) If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

(c) Differentiation between sewer user rates charged to Class I users and Class II users. Sewer connection (tap) fees and system capacity charges are established in Jasper Municipal Code § 18-108, and sewer user charges for Class I users and permit application fees are established in Jasper Municipal Code § 18-213. Users falling within Class II as defined in Jasper Municipal Code § 18-113(2)(a) shall pay the base unit charge per one thousand (1,000) gallons of water purchased as established in Jasper Municipal Code § 18-213(2), and in addition, shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities as set forth in title 18, chapter 2 of this code. In all cases in which users of said sewage system and those required by § 18-204 of this code to connect to the sewage system are not supplied with water from the municipal water works system, the monthly minimum charge as set forth in Jasper Municipal Code § 18-213 shall apply as to each one thousand (1,000) gallons of water utilized and/or wastewater discharged during the billing period.

(d) Water and sewer systems to be self-supporting. The rates contained in this section shall be effective until changed by the board of mayor and aldermen, which pursuant to Tennessee Code Annotated, section 7-35-414 shall have the power and duty to adjust the water and sewer rates to provide sufficient funds to pay all reasonable cost expenses of operation, repair and maintenance, provide for a sinking fund for

payment of principal and interest of bonds when due, and maintain an adequate depreciation account.

(e) Other charges and fees. The town may adopt other charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (2) Fees for monitoring, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards;
- (7) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town. (1983 Code, § 13-113, as amended by Ord. # 147, Feb. 1986; Ord. # 187, May 1992; Ord. #210, §§ 1 and 2, Aug. 1994; Ord. #213, § 1, Aug. 1995; Ord. #214, § 1, Aug. 1995; Ord. #279, April 2002; Ord. #281, Nov. 2002; Ord. #303, March 2006; and Ord. #317, July 2007)

18-114. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1983 Code, § 13-114)

18-115. Billing. Bills for all water and sewer service will be rendered monthly.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving

at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise a ten (10) percent penalty shall apply. Failure to receive a bill will not release a customer from payment obligation, or extend the due date.

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 municipality 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 municipality reserves the right to render an estimated bill based on the best information available. (1983 Code, § 13-115)

18-116. Termination or refusal of service by municipality. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

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 such customer or tenant.

Discontinuance of service by the municipality 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. (1983 Code, § 13-116)

18-117. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the municipality before service is restored. (1983 Code, § 13-117, as amended by Ord. # 176, June 1990)

18-118. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

If a customer relocates to another dwelling or premise where there is already a service line and meter box, a reconnection charge of ten dollars (\$10.00) shall be collected by the municipality, when the meter is installed. (1983 Code, § 13-118)

18-119. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1983 Code, § 13-119)

18-120. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality 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 municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1983 Code, § 13-120)

18-121. 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 municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-121)

18-122. Customer's responsibility for violations. Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1983 Code, § 13-122)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, 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 municipality. (1983 Code, § 13-123)

18-124. 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 municipality. (1983 Code, § 13-124)

18-125. 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 municipality.

All private fire hydrants shall be sealed by the municipality, 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 municipality a written notice of such occurrence. (1983 Code, § 13-125)

18-126. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1983 Code, § 13-126)

18-127. Liability for cutoff failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not

used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.
- (2) The municipality has attempted to cut off a service but such service has not been completely cut off.
- (3) The municipality 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 municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1983 Code, § 13-127)

18-128. Restricted use of water. (1) In times of emergencies or in times of water shortage, the municipality 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.

(2) No water furnished by the town shall be wasted during water shortage emergency periods. Waste of water includes, but is not necessarily limited to the following:

- (a) Permitting water to escape down a gutter, ditch, or other surface drain;
- (b) Failure to repair a controllable leak of water; and
- (c) Failure to put a reasonable beneficial use any water withdrawn from the town's system.

(3) The water and sewer superintendent (hereinafter referred to as superintendent) or his designee is hereby authorized to declare water shortage emergency to exist in accordance with the standards set out in section 4 hereof. The declarer must immediately attempt to contact all board of waterworks and sewer commissioners (hereinafter referred to as commissioners) to inform them of the emergency action. An end to a water shortage emergency must be declared by the board of commissioners.

(4) In declaring a water shortage emergency, such emergency shall be designated status 1 or status 2 in accordance with conditions as determined by the superintendent.

Water shortage emergency status 1 exists when the water level in a major distribution system reservoir cannot be brought above the two-third (2/3) full mark in a forty-eight (48) hour period.

When the water supply reaches water shortage emergency status 1, the superintendent or his designee may declare any or all of the uses of water

identified as non-essential use category 1 provided for in this chapter as being prohibited and said prohibition shall remain in full force and effect until modified by the commissioners. The list of the non-essential uses may be increased or decreased pending the next meeting of the commissioners.

Water shortage emergency status 2 exists when the water level in a major distribution system reservoir cannot be brought above the one-quarter (1/4) full mark within a forty-eight (48) hour period.

If water shortage emergency status 2 is reached, the superintendent or his designee may declare any or all of the non-essential uses provided for in this chapter as being prohibited and the same shall remain in full force and effect until modified by the commissioners. The commissioners may increase or decrease the number of prohibited non-essential uses based on recommendations of the superintendent.

(5) Non-essential uses during water shortage emergency.

(a) Non-essential uses category 1. - The following uses are declared to be NON-ESSENTIAL USES, CATEGORY 1:

(1) Any non-residential use in excess of seventy percent (70%) of the amount used during the corresponding billing period for the previous year.

(2) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the town for the public safety.

(3) Filling or re-filling a swimming pool.

(4) Non-commercial washing of privately owned motor vehicles, trailers or boats.

(5) Watering of lawns, flower gardens, and ball fields.

(6) Watering any portion of a golf course.

(7) Use of water for dust control or compaction during construction.

(b) Non-essential use category 2. - The following uses are declared to be NON-ESSENTIAL USES, CATEGORY 2, in addition to those listed for category 1:

(1) Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case item (3) below will apply.

(2) Use by a motor vehicle washing facility.

(3) Any non-residential use in excess of fifty percent (50%) of the amount used by the customer during the corresponding billing period for the previous year, an estimated amount shall be computed by the town from its records. The superintendent or his designee may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety and welfare or to spread equitably among the water users of the town the burden imposed by the shortage in the town's water supply.

(4) Water served for drinking purposes at restaurants or other public or non-public eating establishments unless such water is specifically requested by the patron or customer.

(6) Board of waterworks and sewer commissioners action. (a) The commissioners may declare a water shortage emergency irrespective of whether the water supply has reached water shortage emergency status 1 or 2, and designate prohibited usages.

(b) Only the commissioners may terminate or end a water shortage emergency declared by the commissioners.

(c) Any water shortage emergency described by the commissioners shall continue until the next meeting of the commissioners. If the board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The commissioners may terminate or modify any limitations on non-essential use of water.

(7) Notice. Upon the declaration of the existence of a water shortage emergency by the superintendent or his designee, the superintendent shall notify the local media and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

(8) Customer non-compliance. (a) Any failure of a customer to comply with the requirements of a declared water shortage emergency may be reported to any official of the town and shall be immediately investigated by the superintendent or his designated agent. If non-compliance is found to exist, he shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the request, the superintendent shall immediately discontinue water service to the customer in question.

(b) Any customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first disconnection, to have service reinstated upon payment to the town of its customary reconnection charge and upon execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to reinstatement of service only after approval of the commissioners and subject to such terms and conditions as the commissioners shall impose.

(c) The decision of the superintendent may be appealed for a hearing to the commissioners. The disconnection shall remain in effect

until the appeal is heard. A hearing shall be conducted within seventy-two (72) hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within seventy-two (72) hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the superintendent. (Ord. # 170, Sept. 1989)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1983 Code, § 13-129)

18-130. Fire protection services. (1) Public. At such time as the need may arise, the town may install fire hydrants.

(2) Private. (a) Private fire hydrants and fire lines may be installed with the prior approval of the board, but at the expense of the customer and the construction will be made in accordance with specifications of the town. Such facilities shall be owned and maintained by the customer and the charges for services shall be subject to rates in the schedule of rates.

(b) Facilities installed for providing water for automatic sprinkler systems for fire protection shall be owned and maintained by the customer and charges for water service to such installations shall be in keeping with the charges outlined in the schedule of rates.

Multiple connections for sprinkler service to one structure in service at the time of the effective date of this chapter shall, for billing purposes only, be considered a single connection.

(c) Where private fire lines are not metered, no water will be used from such lines or from any fire hydrant thereon except to fight fire or while being inspected in the presence of an authorized agent of the town, excepting by prior approval of the town and at such charge as they may fix for the use.

All private fire hydrants shall be sealed by the town and may be inspected at regular intervals to see that they are in proper condition, and no water shall be used therefrom in violation of this chapter. When a seal is broken on account of fire or for any other reason, the customer taking such service shall give the town written notice of such occurrence as soon as possible. (1983 Code, § 13-130)

18-131. Water fluoridation. The water department of the Town of Jasper is hereby authorized and instructed to make plans for the fluoridation of the water supply of the Town of Jasper, Tennessee, and to submit such plans to the department of public health of the State of Tennessee for approval, and upon approval to add such chemical as fluoride to the water supply in accordance with such approval as will adequately provide for the fluoridation of said water supply, with the cost of such fluoridation to be borne by the revenues of the water department of the Town of Jasper. (1983 Code, § 13-131)

18-132. Application of sewer revenues. All costs of operation, maintenance, administration, and debt service of the sewer system shall be paid from the revenues to be derived from the sewer system. (1983 Code, § 13-132)

18-133. Fire hydrant color scheme. (1) Fire hydrants in the Town of Jasper, Tennessee, shall henceforth be classified as follows:

Class AA: Hydrants that on individual test usually have a flow capacity of 1,500 gpm (5,680 L/min) or greater.

Class A: Hydrants that on individual test usually have a flow capacity of 1,000 to 1,499 gpm (3,785 to 5,675 L/min).

Class B: Hydrants that on individual test usually have a flow capacity of 500 to 999 gpm (1,900 to 3,780 L/min).

Class C: Hydrants that on individual test usually have a flow capacity of less than 500 gpm (1,900 L/min).

Capacities are to be rated by flow measurements of individual hydrants at a period of ordinary demand. When initial pressures are over 40 psig (275 kPa [gauge]) at the hydrant under test, the rating is to be based on 20 psig (138 kPa [gauge]) residual pressure, observed at the nearest hydrant connected to the same main and when no water is being drawn. When initial pressures are less than 40 psig (275 kPa [gauge]), residual pressures shall be at least half of the initial pressure.

(2) The tops of fire hydrants in Class AA, Class A, and Class B shall be painted gloss white with a band of reflective tape to be placed on the top of the fire hydrant. The band of reflective tape shall be light blue for Class AA, green for Class A, and orange for Class B. The tops of public fire hydrants in Class C are to be painted red. The barrels of the fire hydrants in all classifications shall be painted safety yellow, or in some other color that is readily detectable and is directed by the fire chief.

(3) Private fire hydrants within private enclosures shall be painted at the discretion of the owner. A private fire hydrant in a public street shall be painted in such a manner to distinguish it from a public fire hydrant.

(4) All location markers for flush hydrants should carry the same color background as stated for class indication, with such date stenciled or painted thereon as may be deemed necessary.

(5) Hydrant colors shall signify only the approximate capacity of the individual hydrant, as tested alone, and not its capacity when more than one hydrant in the vicinity is in use. The marking of the hydrant is not to be considered as in any way guaranteeing the capacity indicated by the color. (as added by Ord. #254, Feb. 2000, and amended by Ord. #296, July 2005)

CHAPTER 2

SEWER USE AND WASTEWATER TREATMENT

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Use of public services.
- 18-205. Building sewers, connections and permits.
- 18-206. Private domestic wastewater disposal.
- 18-207. Prohibitions and limitations on discharges.
- 18-208. Control of prohibited pollutants.
- 18-209. Wastewater discharge permits.
- 18-210. Inspections, monitoring and records.
- 18-211. Enforcement.
- 18-212. Wastewater volume determination.
- 18-213. Wastewater charges and fees.
- 18-214. Administration of sewer system.

18-201. Purpose and policy. The purpose of this chapter is to set uniform requirements for users of the town's wastewater collection system and treatment works to enable the town to comply with the provisions of the Clean Water Act and other applicable federal and state law and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the town's wastewater collection system and treatment works. This section establishes conditions for connection to the sanitary sewer system and requires a permit. Certain acts which may be detrimental to the sewer system are prohibited. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This section establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim wastewaters and sludges resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. (Ord. #178, Dec. 1991)

18-202. Definitions. For purposes of this chapter, the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

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

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

(3) "Approved Publicly Owned Treatment Works (POTW) Pretreatment Program" or "Program" or "POTW Pretreatment Program." A program administered by a publicly owned treatment works that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 CFR) Section 403.8 and Section 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR Section 403.11.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

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

(7) "Building inspector" shall mean that person responsible for inspecting all construction in the Town of Jasper to assure compliance with the applicable building codes.

(8) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(9) "Board." Town of Jasper Mayor and Board of Aldermen.

(10) "Bypass." The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(11) "Categorical standards." National pretreatment standards established by the Environmental Protection Agency (EPA) for specific industrial user Standard Industrial Classification (SIC) code categories.

(12) "Centralized Waste Treatment Facility (CWT)." A commercial centralized waste treatment facility (other than a landfill or an incinerator)

which treats or stores aqueous wastes generated by facilities not located on the CWT site and which disposes of these wastes by introducing them to the POTW.

(13) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(14) "Community sewer." Any sewer containing wastewater from more than one premise.

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

(16) "Cooling water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the town or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and polluting material.

(17) "Conventional pollutant." Biochemical oxygen demand (BOD), total suspended solid (TSS), Ph, fecal coliform bacteria, and oil and grease.

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

(19) "Discharge monitoring report." A report submitted by an industrial user to the superintendent pursuant to this chapter containing information relating to the nature and concentration of pollutants and flow characteristics of a discharge from the industrial user to the POTW using standard methods approved by the superintendent.

(20) "Environmental Protection Agency (EPA)." An agency of the United States or the administrator or other duly authorized official of said agency.

(21) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the regular type handling storage, and sale of produce.

(22) "Grab sample." A sample taken from a waste stream on a one-time basis with no regard to the flow in the waste steam and without consideration of time.

(23) "Holding tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the POTW by any means other than by a standard connection to a sanitary or combined sewer.

(24) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to state waters.

(25) "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. For the purposes of this section, an industrial user is a source of non-domestic wastes from industrial processes.

(26) "Infiltration." Water other than wastewater that enters a sewer system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(27) "Inflow." Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters, and drainage. Inflow does not include, and is distinguished from, infiltration.

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

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

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

(29) "Marion County Health Department." The agency designated by the Town of Jasper as responsible for supervision and administration of private wastewater disposal systems in Marion County.

(30) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(31) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(32) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. These terms also include prohibited discharges promulgated in 40 CFR 403.5 and local limits adopted as part of the town's approved pretreatment program.

(33) "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 Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that one of the following criteria is applicable:

(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.

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

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

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

(i) Begun or caused to begin as part of a continuous on-site construction program:

- Any placement, assembly, or installation of facilities or equipment.
- Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

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

(34) "National Pollutant Discharge Elimination System (NPDES) Permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(35) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premise, and specifically for the purposes of this section, does not contain BOD₅, COD, or TSS in concentrations in excess of the following:

BOD₅--250 milligrams per liter

TSS--250 milligrams per liter

(36) "Pass-through." A discharge which exits the POTW into waters of the United States in the 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation). In the case of a POTW receiving discharges from CWTs as defined above, pass through also means the failure of the CWT and the POTW to reduce pollutant discharges from the POTW to the degree required under Section 301(b)(2) of the CWA if the CWT discharged directly to surface waters.

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

(38) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A Ph value indicates the degree of acidity or alkalinity.

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

(40) "Premises." A parcel of real estate or portion thereof, including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.

(41) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes or by other means, except as prohibited by 40 CFR section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR section 403.6(e).

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

(43) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

In some contexts the term also means the Town of Jasper, i.e., a municipality as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges and the discharges from such a treatment works.

(44) "Reclaimed water." Water which, as a result of the treatment of waste, is suitable for direct beneficial or controlled use that would not occur otherwise.

(45) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

(47) "Sewage" (also called "wastewater") shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(48) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(50) "Significant industrial user. (a) All dischargers subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.

(b) All non-categorical dischargers that contribute a process wastestream which makes up 5 percent or more of the average dry weather capacity of the POTW treatment plant, or more than an average of 25,000 gallons per day of process wastewater to the POTW.

(c) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operation. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

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

(52) "Storm sewer or storm drain" shall mean 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.

(53) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(54) "Superintendent." The person designated by the town to supervise operation of the POTW and the interceptor sewer system and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative, or, in his absence or inability to act, the person then in actual charge of said system.

(55) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

(56) "Town." Town of Jasper, Tennessee.

(57) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the EPA under the provisions of 33 U.S.C. 1317.

(58) "Treatment works." Any devices and systems used in the storage, treatment, recycling, and reclamation of domestic sewage of liquid industrial wastes, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

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

(60) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the EPA having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

(61) "User." Any person, firm, corporation, or governmental entity that discharges, causes, or permits the discharge of wastewater into a community sewer.

(62) "Waste." Sewage and other waste substances (liquid, solid, gaseous, or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing, or processing operation,

including such waste placed within containers of whatever nature prior to, and for purpose of, disposal.

(63) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(64) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

(65) "Wastewater discharge permit." A permit obtained by an industrial user to discharge wastewater to the POTW.

(66) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state. (Ord. #178, Dec. 1991)

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

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|------|----------------------|---|
| (1) | "BAT." | Best Available Technology. |
| (2) | "BPT." | Best Practical Technology. |
| (3) | "BOD ₅ ." | Biochemical Oxygen Demand (5-day). |
| (4) | "CFR." | Code of Federal Regulations. |
| (5) | "COD." | Chemical Oxygen Demand. |
| (6) | "CWA." | Clean Water Act. |
| (7) | "CWT." | Centralized Waste Treatment Facility. |
| (8) | "EPA." | Environmental Protection Agency. |
| (9) | "GMP." | Good Management Practices. |
| (10) | "MBAS." | Methylene-blue-active substances. |
| (11) | "mg/l." | Milligrams per liter. |
| (12) | "NPDES." | National Pollutant Discharge Elimination System. |
| (13) | "POTW." | Publicly Owned Treatment Works. |
| (14) | "RCRA." | Resource Conservation and Recovery Act. |
| (15) | "SIC." | Standard Industrial Classification. |
| (16) | "SWDA." | Solid Waste Disposal Act, 42 U.S.C. 6901, et seq. |
| (17) | "TSS." | Total Suspended Non-filterable Solids. |
| (18) | "U.S.C." | United States Code. (Ord. #178, Dec. 1991) |

18-204. Use of public services. (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within five hundred (500) feet of the property line of the parcel containing the building shall be considered as being served by the town's sanitary sewer system.

All new buildings hereafter constructed on property which is served by the town's sewer system shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel

of land which is now served or which may hereafter be served by the town's sewer system shall cease to use any other method for the disposal of sewage except as approved for direct discharge by the Tennessee Department of Environment and Conservation (TDEC) or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of sewers; however, if the affected property owner disagrees with the decision made by the superintendent, said property owner shall have the right to appeal the decision to the Town of Jasper's Board of Water Works and Sewer Commissioners. In the event it is determined that the town's sanitary sewer system is not available to the property owner, then the property owner shall not be required to pay the sewer user charge as described in section 18-213 of this chapter, unless hook up is made to the town's sewer system.

(b) Unconnected sewer service lines prohibited where connection is available. Except for discharge to a properly functioning septic tank system approved by the Marion County Health Department or discharges permitted by a national discharge elimination system permit (hereinafter NPDES) issued by the TDEC, the discharge of sewage into places other than the town's sewer system is prohibited. All permanently moored boats, floating houses, or floating restaurants, which are not intended to be used as a means of transportation, are likewise required to discharge sanitary sewage into the town's sewer system.

(c) Insufficient capacity, connection moratorium. In those parts of the town sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. A moratorium shall continue in effect until the capacity restriction has been corrected.

(2) Adequate and minimum fixtures. (a) Minimum number of fixtures. A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one commode and one hand-washing lavatory.

(b) Adequate water for disposal of waste required. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the town sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow a sufficient quantity of water to be so applied as properly to carry off all waste matter and keep the same unobstructed.

(3) Right to enter, inspect connection. The superintendent, the building inspector, or other designated employees of the Town of Jasper shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the town's sewers are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause or reasonable suspicion that there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to interrupt the treatment process, or shall damage the town's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his agent shall notify the building inspector and/or the superintendent of such a plug and allow same to be inspected prior to covering of any work. If such line is to be reused, it must first undergo inspection by the building inspector and/or superintendent and be in conformity with then-existing standards.

(5) Limitations on point of discharge; temporary facilities. No person shall discharge any substance directly into a manhole or other opening in a town sanitary sewer other than through an approved building sewer unless he has been issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable sanitary facilities for festivals or public shows or for other reasonable purposes. The superintendent shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline filling stations, garages, self-service automobile washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building inspector. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are

industrial users as defined section 18-209 of this chapter a permit as specified therein will be required.

(7) Grease traps, grit traps, oil interceptors, and lint traps. Restaurants, cafeterias, caterers, laundries, schools, hospitals, nursing homes, jails, prisons, wash racks, vehicle service stations, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the town's sewers or threaten the safety of its employees, shall install and properly maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the superintendent. All such devices shall be located so as to be readily and easily accessible for inspection and maintenance, shall be cleaned at regular intervals, and shall be constructed in accordance with applicable building codes and standards. The superintendent may require keeping of records to document cleaning.

(8) Multi-user private sewer system. Excluding those industrial waste facilities with a permit issued pursuant to section 18-209, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the town's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the town's system as a result of any discharge through the private system. (Ord. #178, Dec. 1991, as amended by Ord. #227, § 1, Nov. 1996, and Ord. #348, March 2012)

18-205. Building sewers, connections and permits. (1) Installation, maintenance, repair of sewer service lines; charge; exception.

(a) Definition. A standard sanitary sewer service line is a 4- or 6-inch pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main or trunk.

(b) Installation of sewer service lines. Four-inch building sewers shall be laid on a grade of at least 1 percent. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2 feet per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron (2) Polyvinyl chloride pipe with solvent-welded joints or rubber compression joints (3) ABS composite sewer pipe with solvent-welded or rubber compression joints of approved type to have a minimum wall thickness equal to Schedule 40.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the

requirements of the building and plumbing code or other applicable rules and regulations of the town. In absence of code provisions or in those portions of the Jasper service area that are not covered by existing town plumbing codes, the following general regulations shall apply, and where additional provisions of or amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply:

(i) A clean out shall be located five (5) feet outside of the building and one as it taps on to the utility lateral.

(ii) Cleanouts shall not be more than fifty (50) feet apart in horizontal drainage lines of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes.

(iii) Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed.

(iv) A Y and 1/8 bend shall be used for the cleanout base.

(v) Cleanouts shall be installed at each change of direction of the building sewer which is greater than 45 degrees.

(vi) Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(c) Standard sewer stub-outs. Hereafter, as a part of sanitary sewer projects in Jasper, the town shall install, or cause to be installed, standard sanitary sewer service lines from mains or trunks located in a street, alley, or easement to the property line of each lot or residence on the street being sewerred. In the case of sewers being constructed in undeveloped subdivisions located within a designated sewer project, the standard sanitary sewer service lines may be constructed to each lot as shown by the developer on the plat of the subdivision as filed in the Register's Office of Marion County, Tennessee. Sewer service lines may not be constructed at the expense of the town in a street where the property is unsubdivided and undeveloped. In such cases, a fee shall be charged upon connection to the sewer line as provided in section 18-213.

(d) Fee. There is hereby levied and imposed a sewer service line charge of five hundred dollars (\$500.00) for every sanitary sewer service line installed hereafter where a lateral sewer connection has been provided for use by the applicant. The service line charge shall be paid by property owners at the time that application is made to the town for permission to tie on to the sanitary sewer service line. The collection of such payments shall be the responsibility of the superintendent. This service line charge will be in addition to any required fee for a plumbing permit, street cuts, or other fees; provided that such sewer service line charge shall not apply if the lateral sewer connection was constructed by and the cost of same borne by the developer of a subdivision incident to the construction of a collector sewer system for the subdivision or there

has been no lateral sewer connection provided; and the applicant shall be required to show that he is entitled to this exception.

(e) Sewer permit and inspections. (i) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(ii) The owner or his agent shall make application for a building sewer and discharge permit on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent.

(iii) Charges for sewer a permit fee shall be ten dollars (\$10.00). Charges for an inspection fee shall be ten dollars (\$10.00).

(iv) The applicant for the building sewer and discharge permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection will be made under the supervision of the superintendent or his representative. Connections made without an approved application may be severed by the superintendent. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an amount double the current regular fee.

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

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

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. Town personnel will provide whatever information is available for this purpose. If no wye or tee exists within 3 feet of either side of the location shown in the town's records, then a tap will be provided by the town when the sewer main is uncovered. If a manhole needed for locating a service line has been lost, then the town shall be responsible for locating the manhole.

(g) Taps on town sewers. All taps made directly into the town's sewer lines may be made by town sewer maintenance personnel. The plumbing contractor may excavate to the town's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to

be installed in a trench. New taps may be made using a wye-type connection.

(h) Manhole required. A new manhole will be required whenever a sewer service line larger than 6 inches is needed to tie into the town's sewer. The plumbing contractor may excavate to the town's sewer and sufficiently expose the pipe for installation of a manhole. The town's sewer maintenance personnel may install the manhole. The cost of the manhole, including labor and materials, may be charged to the owner after construction is completed.

(i) Maintenance of sewer service lines. All repairs and maintenance of the sanitary sewer service line to include correction of excessive flow or infiltration shall be the responsibility of the property owner or user of the sewer. The town shall be responsible for the maintenance of collector lines only up to the point where the owner's sewer service line connects to the town's lines.

(j) Exceptions for state highways and railroads. When the installation of sanitary sewer service lines is required for sewers constructed in highways or streets owned by the State of Tennessee for which boring rather than open cutting is required by regulation of the State of Tennessee, installation shall be at the expense of the property owner, and the provisions of paragraph (c) shall not be applicable. Whenever a sanitary sewer service line must be installed under a railroad track or railroad right-of-way, the provisions of paragraph (c) shall not be applicable, and the property owner shall construct and maintain the sanitary sewer service line at his own expense. Installation of sanitary sewer service lines in state highways or streets must be approved by the Tennessee Department of Transportation and by the railroad in railroad rights-of-way.

(2) Service lines to enter sanitary sewers at junction; exception. No service lines shall enter a sanitary sewer at any point except where a junction has been made and left therefor unless by special permission of the superintendent. In all cases where such permission is given, the work shall be done under the inspection of the town's superintendent and at the risk and expense of the party making the connection.

(3) Sewer construction; acceptance of work. All sewer construction involving interceptor sewer lines, pump stations, metering stations, and appurtenances which shall become a part of the town's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work the town sewers are opened, uncovered or undercut must have prior approval of the superintendent. (Ord. #178, Dec. 1991)

18-206. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of subsection

18-204(1), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the sewer service area unless and until a certificate is obtained from the town stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by zoning regulations and the Marion County Health Department.

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

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

(d) 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 (TDEC) and the Marion County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in sanitary manner at all times at no expense to the town.

(f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Marion County Health Department. (Ord. #178, Dec. 1991)

18-207. Prohibitions and limitations on discharges. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged into the POTW. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in paragraph (i) hereof, and other prohibitions and limitations of this section, are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and environment, and to enable the town to meet requirements contained in its

NPDES permit. The superintendent shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of sewer system personnel and the operation of the treatment works to enable the facility to comply with its NPDES permit, provide for a cost-effective means of operating the treatment works, and protect the public health and the environment. The superintendent shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass-through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of 10 percent of the lower explosive limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a Ph lower than 6.0 or higher than 9.0, except as provided in subsection 18-206(16).

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge (slug) of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees Centigrade (104 degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65 degrees Centigrade.

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

(g) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

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

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

(j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the town's NPDES permit.

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

(l) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(m) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subsection 18-207(2) of this section and the specific prohibitions in paragraphs (c), (d), and (e) of that subsection where the user can demonstrate one of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.

(b)(i) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed pursuant to subsections 18-207(10) and (11) for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.

(ii) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

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

(b) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the town's

treatment work effluent such that receiving water quality requirements established by law cannot be met.

(c) Wastewater causing conditions at or near the town's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

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

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

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in subsection 18-207(10) or cause a violation of the limits in 18-207(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The superintendent or the board, as applicable, shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to subsections 18-207(5) and (11) of this chapter in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in this section. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within 3 years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation. New sources shall have in operating condition

and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days). New sources must meet all applicable pretreatment standards.

(6) Dilution. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(7) Limitation on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDHE or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from said regulatory agencies has been filed with the superintendent.

(8) Septic tank pumping, hauling, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person first receives from the superintendent a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulation established by the superintendent.

(a) The owners of such vehicles shall affix and display the permit number in 4-inch block figures on the side of each vehicle used for such purpose.

(b) The permit shall be valid for a period of 1 year from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any provisions of this code, regulations as established by the superintendent, or other applicable laws and regulations. A revocation or suspension of the permit shall be for a period not to exceed 5 years. Such revocation or suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee who paid less than fair market value for such business or assets. Users found operating in violation of a permit issued under this subsection and whose permit is therefore revoked by the superintendent, shall be notified of the violation by certified mail or by a notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the superintendent.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by subsection 18-207(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewater shall obtain a holding tank discharge permit in accordance with 18-207(9).

(e) The superintendent shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(f) The superintendent shall have authority to investigate the source of any hauled waste and to require testing of the waste at the expense of the discharger prior to discharge.

(9) Other holding tank waste. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations under RCRA. The permit shall state the specific location of the discharge, and the time of day the discharge is to occur, the volume of the discharge, and the source and character of the waste, and shall limit the wastewater constituents and characteristics of the discharge. The user shall pay any applicable charges of fees and shall comply with the conditions of the permit. However, the superintendent may waive at his discretion the application and the fees for discharge of domestic waste from a recreational vehicle holding tank.

(10) Limitations on wastewater strength (local limits). No user shall discharge wastewater with pollutant concentrations excess of the concentration set forth in the table below unless: (1) an exception has been granted the user under the provisions of subsection 18-208(8); or (2) the user's wastewater discharge permit provides as a special permit condition temporarily allowing a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

<u>Pollutant</u> ¹	Maximum Concentration (mg/l) (24-hour Flow Proportional Composite Sample) ²	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Cadmium (Cd)	0.044	-----
Chromium (Cr)	0.472	-----
Copper (Cu)	0.505	-----
Cyanide (CN)	-----	0.420
Lead (Pb)	0.207	-----
Mercury (Hg)	0.0045	-----
Nickel (Ni)	0.849	-----
Silver (Ag-free ionic)	0.019	-----
Zinc (Zn)	1.565	-----
Phenols	-----	0.543
Oil and Grease	-----	80

¹Measurements for all pollutants except silver are in total form.

²Where non-proportional sampling is approved by the superintendent in lieu of 24-hour flow-proportional sampling, limits shall also apply to non-proportional sampling.

(11) Criteria to protect the treatment plant influent. The superintendent shall monitor the treatment works influent for each pollutant in the following table. Industrial users shall be subject to the reporting and monitoring requirements set forth in section 18-210 as to these pollutants. In the event that the influent at the treatment works reaches or exceeds the established levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend remedial measures as necessary, including but not limited to, the establishment of new or revised pretreatment levels for these pollutants. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards or applicable laws or regulations are changed, or when changes are necessary for a more effective operation.

<u>Pollutant</u>	Monthly Average Maximum Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Cadmium (Cd)	0.014	
Copper (Cu)	0.167	
Chromium (Cr)	0.176	
Nickel (Ni)	0.237	
Lead (Pb)	0.076	
Mercury (Hg)	0.002	
Silver (Ag-free ionic)	0.009	
Zinc (Zn)	0.60	
Cyanide (CN)	1.125	
pH (range)	5.5 to 10.5 standard units	----
BOD ₅	800	----
Total suspended solids	800	----
Oil and grease	----	80
Phenols	0.161	

(12) Storm drainage, ground water, unpolluted water, and contaminated storm water. (a) No storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the town's sewer unless no other reasonable alternative is available, except with permission from the superintendent. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the superintendent. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately repair or replace any leaking or damaged lines.

(b) The town will accept the discharge of contaminated storm water if the following criteria are met: (1) all known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden; (2) the contaminated storm water meets the town's discharge limits and all state and federal pretreatment

requirements; and (3) the volume of the discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(13) Limitations on the use of garbage grinder. No waste from garbage grinders shall be discharged into the town's sewers except from private garbage grinders used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only where applicable fees are paid. Installation of any garbage grinder equipped with a three-fourths horsepower (or greater) motor shall require a permit. The superintendent may issue a permit when there is inadequate space on the user's premises to properly store food preparation waste between regularly scheduled garbage pickup by a service with an equal or greater frequency of collection. Provided, further, that such grinders shall shred the waste sufficiently that it can be carried freely under normal flow conditions prevailing in the sewer lines. It shall be unlawful for any person to use a garbage grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(14) Hospital or medical waste. It shall be unlawful for any person to dispose of medical waste, surgical operating room waste, or delivery room waste into the town's sewer.

(15) Obstruction of or damage to sewer lines. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewer treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes.

(16) Limitation on pH excursions. Where an industrial user continuously monitors wastewater pH by means of a recorder, the user shall maintain the pH of such wastewater within the range set forth in this sewer use ordinance, except excursions from the range are permitted subject to the following limitations:

(a) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month.

(b) No individual excursion from the range of pH values shall exceed 60 minutes duration.

(c) No individual excursion shall fall below a pH of 5.0. An excursion is an unintentional and temporary incident in which the pH value of discharge wastewater falls outside the range of pH values set

forth by this sewer use chapter. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993, Ord. #217, Nov. 1995, and Ord. #305, July 2006)

18-208. Control of prohibited pollutants. (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in subsection 18-207(10) of this chapter to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or lamination contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. (a) Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, dated, and sealed by a registered engineer, and be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans within 45 days of receipt and recommend to the industrial user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction, the industrial user shall also secure building, plumbing, and all other required permits.

(b) The industrial user shall construct the pretreatment facility within the time provided in the industrial user's wastewater discharge permit. Following completion of construction, the industrial user shall provide the superintendent with as-built drawings to be maintained by the superintendent. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and be approved by the superintendent prior to implementation.

(3) Prevention of accidental discharges. All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this section 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 section. The wastewater discharge permit of any industrial user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this section shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating

procedures for special permit conditions shall be developed by the user and submitted to the superintendent for review under the applicable provisions of this chapter.

(4) Oil and grease discharge control program. Disposal of oil or grease by discharge to the sewer system is not permitted. Oil includes lubricating oils, transmission and brake fluids, other industrial oils, and vegetable oils used in a food processing or food service facility. Grease includes fats and grease from animal or vegetable sources, as well as petroleum grease. The superintendent shall contact all town discharge permit holders, restaurants, cafeterias, caterers, schools, hospitals, nursing homes, jails, prisons, vehicle maintenance auto shops, septic tank pumpers, commercial food processors, oil recyclers and transporters, and others as appropriate, by letter, pamphlet, or other appropriate form of communication as often as needed to advise them of requirements for oil and grease discharge control. These dischargers will also be informed of alternate oil and grease disposal options available in the Jasper vicinity. At a minimum, dischargers of wastewaters containing oil and grease shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease and oil and grease sludge from wastewater discharges. Such pretreatment processes shall be subject to the good management practices as required by § 18-208(8)(f) and approval by the superintendent. Discharges shall also be subject to monitoring, entry, inspection, reporting, records review, and other requirements as determined by the superintendent at his discretion. These dischargers may be required by § 18-208(8)(f) and approval by the superintendent to apply for industrial waste discharge permits if the superintendent determines that the dischargers are a source of prohibited pollutants, toxic pollutants in toxic amounts, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this chapter. The requirements of this subsection will be more fully set forth in a Fats, Oil, and Grease (FOG) Discharge Control Program as approved by the board. This subsection shall not apply to single- or multi-family residences.

(5) Slug control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this section. A slug is defined as any pollutants, including oxygen demanding pollutants (BOD, COD, NH₃, etc.) released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its workers or the environment. No user who commences discharge to the sewerage system after January 1, 1990, shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the superintendent.

(b) Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be

submitted to the superintendent for review and approval. All existing users required to have SDPC plans shall submit such a plan within 3 months after notification from the superintendent and complete implementation within 6 months. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this section.

(c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within 5 days following a slug discharge, the user shall submit a detailed report describing the cause of the discharge and the measures being taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

(d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the superintendent may take enforcement action against an industrial user for a bypass, unless:

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

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

(iii) The industrial user submitted notices as required under in subsection 18-210(13) of this chapter.

(b) The superintendent may approve an anticipated bypass after considering its adverse effect if the superintendent determines that it will meet the three conditions listed in paragraph (a) of this subsection.

(c) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of subsection 18-210(13).

(7) Centralized waste pretreatment facilities. The superintendent shall establish effluent limits for centralized waste treatment facilities (CWT) in order that the level of pollution discharged from the CWT through the POTW to the environment will not exceed the level that would be allowed if the CWT discharged directly to surface waters under Section 301(b)(2) of the Act (33 U.S.C. Section 1311). Additionally, centralized waste treatment facilities shall maintain records and submit reports as directed by the superintendent regarding the SIC codes of their customers and the frequency, characteristics, and volume of wastes from the various categories.

(8) Exception to wastewater strength standard. (a) Applicability. This subsection provides a method for industrial users subject to the limitation on wastewater strength pollutants listed in subsection 18-207(10) to apply for and receive a temporary exception to the discharge level for one or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exception when they are required to apply for a wastewater discharge permit or renewal provided that the superintendent allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

(c) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the superintendent pursuant to paragraph (d) of this subsection.

(d) Review by superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the superintendent to correct such deficiencies. This 30-day period may be extended by the superintendent upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate it within 30 days and approve or deny the application based upon the following factors:

(i) The superintendent shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in subsection 18-207(10) and

grant an exception only if such exception is within limitations of applicable federal regulations.

(ii) The superintendent shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.

(iii) The superintendent shall consider if the exception would create conditions or a hazard to town personnel that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The superintendent shall consider the possibility of the exception causing the treatment works to violate its NPDES permit.

(v) The superintendent shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the town or which would cause the town to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345) or similar state regulatory measure.

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

(vii) The superintendent may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(viii) The superintendent may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The superintendent may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(x) The superintendent may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this subparagraph, the

applicant must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in subsection 18-207(10). No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the POTW.

(e) Review by utilities board. The board shall review any appeal to a denial by the superintendent of an application for an exception and shall take into account the same factors considered by the superintendent. At such hearing, the applicant and the superintendent shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in subsection 18-211(4) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices required. The superintendent or the board shall not grant an exception unless the applicant demonstrates to the board that good management practices (GMP) are being employed to prevent or reduce the contribution of pollutants to the POTW. GMPs include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. #178, Dec. 1991, as amended by Ord. #348, March 2012)

18-209. Wastewater discharge permits. (1) Applicability. The provisions of this chapter are applicable to all industrial users of the POTW. The town has an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR, Part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard as defined in 40 CFR, Part 403.3(j) shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the town's program or for specific industrial categories is authorized.

(2) Application and permit requirements for industrial user. Prior to discharging non-domestic waste into the POTW, all non-domestic users shall obtain a wastewater discharge permit, and shall complete such forms as required by the superintendent, pay appropriate fees, and agree to abide by the provisions of this section and any specific conditions or regulations established by the superintendent. All original applications shall be accompanied by a report containing the information specified in subsection 18-209(3) of this chapter. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and

appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

(3) Report requirement. The report required for non-domestic waste users by subsection 18-209(2) or other provisions of this chapter shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the superintendent a report which contains the information listed in paragraphs (a) through (f) below within 180 days after the promulgation by the EPA of a national pretreatment standard under Section 307(b) or (c) [33 U.S.C.1317(b) or (c)] of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set for in section 18-208 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in paragraphs (a) through (g) of this subsection.

As specified, the report shall contain all applicable portions of the following:

(a) The name and address of the industrial user.
(b) The location of the industrial user.
(c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.

(d) The average and maximum flow in gallons per day of discharge from the industrial user to the POTW.

(e) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as determined by standard methods approved by the superintendent. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the superintendent for approval. When Ph information is required in the initial report or in regular periodic self-monitoring reports, it shall be provided to the superintendent as a copy of the charge from a continuous Ph recorder.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by a professional engineer indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(g) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, the report

shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard.

For purposes of this paragraph when the context so indicated, the phrase pretreatment standard shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by section 18-207. For purposes of this paragraph, the term pollutant shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in section 18-207.

(4) Incomplete applications. The superintendent will act only on applications that are accompanied by a report which contains all the information required in subsection 18-209(3) above. Industrial users who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within that period or with such extended time allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application permit conditions. Upon receipt of complete applications, the superintendent shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this section and all other applicable ordinances, laws, and regulations. The superintendent may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following.

- (a) Pretreatment requirements.
- (b) The average and maximum wastewater constituents and characteristics.
- (c) Limits on rate and time of discharge of requirements for flow regulations and equalization.
- (d) Requirements for installation of inspection and sampling facilities.
- (e) Specifications for monitoring programs that may include sampling, number, types, and standards for tests and reporting schedule.
- (f) Requirements for submission of technical reports or discharge reports.
- (g) Requirements for maintaining records relating to wastewater discharge.
- (h) Mean and maximum mass emission rates, or other appropriate limits when toxic pollutants (as set forth in section 18-207) are proposed or present in the industrial user's wastewater discharge.

(i) Other conditions deemed appropriate by the superintendent to ensure compliance with this section or other applicable ordinance, law, or regulation.

(j) A reasonable compliance schedule, as determined by the superintendent, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.

(k) Requirements for the installation of facilities to prevent and control accidental discharge or spills at the user's premises.

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

(6) Applicant to be notified of proposed permit conditions; right to object.

(a) Upon completion of the evaluation, the superintendent shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have 45 days from and after the date of the superintendent's recommendations for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended. The superintendent may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the superintendent or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. Otherwise, the superintendent shall submit the disputed matters to the board for resolution.

(7) Board to establish permit conditions; hearing. (a) In the event the superintendent cannot issue a wastewater discharge permit pursuant to subsection 18-209(6) above, the superintendent shall submit to the board the proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the board or a specially called meeting.

(b) The board shall schedule a hearing within 90 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The superintendent shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent shall have the right to participate in the hearing and present any relevant evidence to the board concerning

proposed special permit conditions or other matters being considered by the board.

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this section or other applicable laws or regulations and direct the superintendent to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. The following conditions shall apply to the schedules required by subsection 18-209(5) of this section:

(a) Schedule components. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing the engineering report, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(b) Schedule intervals. No such increment shall exceed 9 months.

(9) Duration of permit. (a) All existing permits for significant industrial users shall be reviewed and reissued with revisions as necessary to comply with new regulatory measures of this on or before June 30, 1991.

(b) Wastewater discharge permits shall be issued for a period not to exceed 3 years. Provided that permits issued prior to June 30, 1991, may be issued for a period between 2 and 3 years for the administrative convenience of the superintendent so as to stagger the renewal dates of the permits. Provided further that permits issued to industrial users granted an exception pursuant to subsection 18-208(8) shall be issued for a period not to exceed 1 year.

(c) Notwithstanding the foregoing, industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The superintendent shall notify in writing any industrial user whom the superintendent has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the superintendent in this regard shall not relieve the industrial user of the duty of complying with such national pretreatment standards. An industrial user must apply in writing for a renewal permit within the period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

(d) Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the town's NPDES permit, subsection 18-207(11), changes in other applicable law or regulation, or for other just cause. Industrial users shall be notified of any proposed changes in their permit by the superintendent at least 30 days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The industrial user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided in this section.

(10) Transfer of a permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, a different premises, or a new or changed operation, unless as approved by the superintendent. Permit is voidable by the town upon nonuse, cessation of operations, or transfer of business ownership. Permit is void upon issuance of a new wastewater discharge permit.

(11) Revocation of permit. Any permit issued under the provisions of this section is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

(a) Violations of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.

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

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

(d) Refusal of reasonable access to the user's premise for the purpose of inspection or monitoring. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993)

18-210. Inspections, monitoring and records. (1) Inspections, monitoring and entry. (a) When required to carry out the objective of this section, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this section; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition; (3) any requirement established under this subsection.

(b) The superintendent shall require any industrial user to (1) establish and maintain records, (2) make reports, (3) install, use, and maintain monitoring equipment or methods, including where appropriate, biological monitoring methods, (4) sample effluents in

accordance with these methods, at such locations, at such intervals, and in such manner as the superintendent shall prescribe, and (5) provide such other information as the superintendent may reasonably require.

(c) Specific requirements under the provisions of paragraph (b) of this subsection shall be established by the superintendent, or the board applicable, for each industrial user and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement imposed.

(d) The superintendent or his authorized representative shall, upon presentation of his credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this subsection are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required under paragraph (b), and sample any effluents which the owner or operator of such source is required to sample.

(e) In the event any industrial user denies the superintendent or his authorized representative the right of entry for inspection, sampling effluents, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing such other duties as shall be imposed upon the superintendent by this section, the superintendent shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to discharge the duties of this section.

(f) Any industrial user failing or refusing to discharge any duty imposed upon the user under the provisions of this subsection, or who denies the superintendent or authorized representative the right to enter the user's premises for purposes of inspection, sampling effluents, inspecting, and copying records, or such other duties as may be imposed upon him by this subsection, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this section. A user who does not have an industrial waste discharge permit and denies the superintendent or authorized representative the right to inspect as described herein is subject to having the sewer service in question terminated by the superintendent.

(2) Reports. (a) Progress reports. No later than 14 days following each date in the schedule and the final date for compliance, the industrial

user shall submit a progress report to the superintendent, including as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the superintendent.

(b) 90-day report, new source compliance. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in subsection 18-209(3), paragraphs (d) through (f).

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(ii) The superintendent, as applicable, may impose mass limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(d) The reports required in this subsection shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production rates and mass limits where requested by the superintendent, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the superintendent as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the

reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the superintendent by June 30, 1991. All users who propose to discharge or who, in the judgement of the town, could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewaters. If sampling or metering equipment is also required by the town, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The town 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.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for town personnel. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans and other documents within 45 days and shall recommend to the industrial user any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by EPA shall be followed in all self-monitoring activities. Unless otherwise permitted by the superintendent, pH reports shall be in the form of a continuous strip chart or circular chart from a pH recorder. Four individual grab samples at intervals spaced over the daily period of discharge shall be used for cyanide, phenols, oil and grease, and volatile organics. Unless otherwise permitted by the superintendent, all other samples shall be 24-hour flow-proportional composite.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the superintendent. Any change in monitoring location will be subject to the approval of the superintendent.

(d) All analyses shall be performed in accordance with procedures established by EPA under the provisions of Section 304(h) of the Act [33 U.S.C. 1314(h)] and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by EPA or the superintendent. Sampling shall be performed in accordance with the techniques approved by EPA or the superintendent.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the superintendent immediately by telephone. In the absence of the superintendent, notification shall be given to the town employee then in charge of the treatment works. Such notification will not relieve the permit holder from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

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

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact 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.

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by subsection 18-208(5), by the industrial user.

(7) Notification of the discharge of hazardous waste. (a) The industrial user shall notify as soon as practicable the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is listed or characteristic waste under Section 3001 of RCRA (42 USCA Section 6921). Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following 12 months. The notification must take place within 180 days after notification by the superintendent. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of subsection 18-210(2).

(b) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.5(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste in any given month requires a one-time notification. Subsequent months during which the industrial user generates more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(3), (f), (g), and (j).

(c) In the case of new regulations under Section 3001 of RCRA (42 USCA Section 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (b) of this section.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the industrial user has submitted initial notification under subsection 18-210(7).

(9) Provisions governing fraud and false statements. The report required to be submitted under this subsection shall be subject to the provisions of 18 U.S.C. Section 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act (33 USCA Section 1311), as amended, governing false statements, representation, or certifications in reports required under the Act.

(10) Signatory requirements for industrial user reports. The reports required by this section shall include a certification statement as follows:

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.

The report shall be signed as follows:

(a) By a responsible corporate officer if the industrial user submitting the reports required by this subsection is a corporation. For the purpose of this paragraph, a responsible corporate officer is (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required by this subsection is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representation of the individual designated in paragraph (a) of this subsection if:

(i) The authorization is made in writing by the individual described in paragraph (a).

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a person in position of equivalent responsibility

or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under paragraph (c) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) of this subsection must be submitted to the superintendent prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within 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 30 days after becoming aware of the violation. The industrial user is not required to resample if one of the following criteria is met:

(a) The town performs sampling at the industrial user at a frequency of at least once per month.

(b) The town performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in subsection 18-209(10) of this section monitors any pollutant more frequently than required by the superintendent using approved procedures prescribed in this section the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent. If possible, this should be submitted at least 10 days before the date of the bypass.

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

(14) Maintenance of records. Any industrial user subject to the reporting requirements established in this subsection shall maintain records of all information resulting from any monitoring activities required by this subsection. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods.
- (e) The results of the analyses.

(15) Retention period. Any industrial user subject to the reporting requirement established in this subsection shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this subsection) and shall make these records available for inspection and copying by the superintendent, TDEC director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the industrial user or upon request from the superintendent, the Director, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this subsection shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) available to the public to the extent provided by 40 CFR, Part 2.302. If, however, upon showing satisfactory to the superintendent by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the superintendent has access under this subsection, would divulge methods or processes entitled to protection as trade secrets of such person, the superintendent shall consider such record, report, or information or particular portion thereof confidential in accordance with the purpose of this section. Such record, report, or information may be disclosed to officers, employee, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the CWA or when relevant in any proceeding under this section or other applicable laws. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993)

18-211. Enforcement. (1) Orders. (a) Should the superintendent have reason to believe that a violation of any provision of the chapter has occurred, is occurring, or is about to occur, the superintendent may cause a written order to be served upon the alleged violator(s). The order may specify the provision(s) of the chapter alleged to be violated, the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the mayor and board of aldermen.

(b) Any such order shall become final and not subject to review unless the person or persons name therein request by written petition a hearing before the board as provided in subsection 18-211(4), no later than 30 days after the date such order is served; provided, however, that the board may review such final order on the same grounds upon which a court of the state may review default judgements.

(2) Additional remedies. In addition to other remedies provided herein, the superintendent may issue a show-cause notice to any user who appears to be violating any provision of this section to show cause why sewer service should not be discontinued. The notice shall include the nature of the violation with sufficient specificity as to the character of the violation and the date(s) which such violation(s) occurred to enable the user to prepare a defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least 20 days prior to the proposed action, except in the event of an emergency. At the show-cause hearing to be held before the superintendent, the user may present any defense to such charges, either in person or through submission of written or documentary proof. Following the hearing or opportunity for a hearing, the superintendent may at the discretion of the superintendent order termination of sewer service if satisfied from all available proof that the violation was willful and the termination is necessary to abate the offending condition or to prevent future violations. The superintendent may terminate service indefinitely to abate offending conditions or prevent future violations subject to the correction of such conditions or violations by the user.

Any violation of provisions of this chapter that is not corrected or abated following a notice and opportunity for a hearing shall be grounds for termination of water service and/or plugging of the sewer line.

(3) Emergency termination of service. (a) When the superintendent finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW of the pretreatment agency, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the superintendent deems necessary to meet the emergency.

(b) If the violator fails to respond or is unable to respond to the superintendent's order, the superintendent may take such emergency action as deemed necessary or contract with a qualified person(s) to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual costs incurred by the superintendent in meeting the emergency.

(c) In the event such emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as practicable thereafter to consider restoration of service

upon abatement of the condition or other reasonable conditions. Following the hearing, the superintendent may take any such authorized action should the proof warrant such action.

(4) Hearings. (a) Any hearing or re-hearing brought before the board shall be conducted in accordance with the following:

(1) Upon receipt of a written petition from the alleged violator pursuant to this section, the superintendent shall give the petitioner 30 days written notice of the time and place of the hearing, but in no case shall the hearing be held more than 60 days from the receipt of the written petition unless the superintendent and the petitioner agree to a postponement.

(2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made in pursuant to paragraph (6) of this subsection. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover the costs of preparation.

(4) In connection with the hearing, the chairman 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 subsection, the chancery court of Marion County shall have jurisdiction upon the application of the board or the superintendent to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey an order of the court is punishable by the court as contempt.

(5) Any member of the board may administer oaths and examine witnesses.

(6) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decision and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairman.

(7) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in paragraph (b).

(8) Any person to whom an emergency order is directed pursuant to subsection 18-211(1) or 18-211(3) shall comply therewith immediately but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than 3 days from the receipt of such petition by the board.

(9) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

(10) The party at the hearing bearing the affirmative burden of proof shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the superintendent, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(11) Any person aggrieved by any order or other final determination of the superintendent where an appeal is not otherwise provided by this subsection may appeal said order or determination to be reviewed by the board under the provisions of this subsection. A written notice of appeal shall be filed with the superintendent and the chairman, and said notice shall set forth with particularity the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may, at members' discretion, suspend the operation of the order or determination of the superintendent on which is based the appeal until such time as the board has acted upon the appeal.

(12) The vice chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this subsection when acting in his absence or in his place.

(b) An appeal may be taken from any final order or other final determination of the superintendent or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the

common law writ of certiorari set out in Tennessee Code Annotated (T.C.A) Section 27-8-101, within 60 days from the date such order or determination is made.

(5) Civil penalty. (a) (i) Any person, including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs:

(A) Violates any effluent standard or imitation imposed by a pretreatment program.

(B) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.

(C) Fails to complete a filing requirement of a pretreatment program.

(D) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.

(E) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(F) Violates a final determination or order of the board.

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

(A) The superintendent 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 such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is served, the violator shall be deemed to have consented to the assessment, and it shall become final.

(C) When any assessment becomes final because of a person's failure to appeal the superintendent's assessment, the superintendent may apply to the appropriate court for a judgement and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment.

(D) In assessing the civil penalty, the superintendent 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 town, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs and attorneys' fees incurred by the town 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 POTW 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.

(7) The economic benefit gained by the violator.

(E) The superintendent may institute proceedings for assessment in the name of the Town of Jasper in the chancery court of the county in which all or part of the pollution of violation occurred.

(iii) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the superintendent for certain specific violations or categories of violations.

(b) Any civil penalty assessed to a violator pursuant to this subsection may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of T.C.A. Section 69-3-115(a)(1)(F). Provided, however, the sum of penalties imposed by this section and by Sections 69-3-115(a) shall not exceed \$10,000 per day for each day during which the act or omission continues or occurs.

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

(a) The superintendent may assess the liability of any polluter or violator for damages to the pretreatment agency 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. T.C.A. Section 69-3-123, 69-3-124, or 69-3-125, or subsections 18-211(5) or 18-211(9) of this chapter.

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

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or T.C.A. Sections 69-3-123 through 69-3-129 or subsections 18-211(5) through 18-211(9), 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 superintendent may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgement in the amount of the assessment.

(7) Judicial proceedings and relief. The superintendent 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, T.C.A. Section 69-3-123 through 69-3-129, subsections 18-211(5) through 18-211(9), or orders of the board. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(8) Administrative enforcement remedies. (a) Notice of violation. When the superintendent finds that any industrial user has violated or is violating this section, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

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

(c) Show-cause hearing. The superintendent may order any industrial user which causes or contributes to a violation of this chapter or wastewater permit or order issued hereunder, to 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 reason for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate this section or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) Cease and desist orders. When the superintendent finds that an industrial user has or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:

(i) Comply with the order.

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

(9) Assessment of damages to users. When the discharge of waste or any other act or omission causes an obstruction, damage, or any other impairment to the town's facilities which causes an expense or damages of whatever character or nature, to the town, the superintendent shall assess the expenses and damages incurred by the town to clear the obstruction, repair damage to the facility, and otherwise rectify any impairment, and bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the town. If the person responsible refuses to pay, then the superintendent, shall forward a copy of the statement and documentation of all expenses to the town's attorney who shall be authorized to take appropriate legal action.

(10) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of subsections 18-211(5) through 18-211(9) shall be placed in a special fund by the town and allocated and appropriated to the sewer system for the administration of its pretreatment program. (Ord. #178, Dec. 1991)

18-212. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the town's sewer system shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the town and/or private meters installed and maintained at the expense of the user and approved by the town.

(2) Actual wastewater volume. When charges and fees are based upon water usage and/or discharge and where, in the opinion of the town, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharge from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the town. The users may install a meter of a type and at a location approved by the town to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the town.

(3) Estimated wastewater volume. For users where, in the opinion of the town, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the town. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the town shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and industrial flows from industrial users for purposes of calculating charges based upon industrial wastewater flows alone, users shall install a meter of a type and at a location approved by the town. For users where, in the opinion of the town, it is unnecessary or impractical to install such a meter, the volume of the domestic and industrial wastewater shall be based upon an estimate prepared by the users and approved by the town. (Ord. #178, Dec. 1991)

18-213. Wastewater charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the town which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program in order that sufficient revenues are collected to defray the town's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Sewer user rates and permit application fees. Sewer connection (tap) fees and system capacity charges are established in Jasper Municipal Code § 18-108. The Town of Jasper's sewer user charges for Class I users are hereby established for the sewer service areas indicated in the following amounts:¹

(a) User charges:

	<u>Monthly Charges</u> (Cost per 1,000 gallons of water furnished and/ or of sewage/wastewater discharged)
Jasper Sewer Service Area	
All consumption	\$ 4.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$ 8.00 per 1,000 gal.
Whitwell/Crossroads Sewer Service Area	
All consumption	\$ 8.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$16.00 per 1,000 gal.
Highway 41/Shellmound Sewer Service Area	
All consumption	\$ 8.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$16.00 per 1,000 gal.

(b) A pressure pump maintenance fee, where applicable, will be charged at the rate of five dollars (\$5.00) per month to customers within the Jasper sewer service area and at the rate of seven dollars and fifty cents (\$7.50) per month to customers in all other sewer service areas.

(c) Wastewater constituent and characteristics fee for excessive strength waste shall be established as required in Jasper Municipal Code § 18-213(3)(6).

(d) Industrial wastewater discharge permit fee:

(i) New permit: \$500.00.

(ii) Permit renewal: \$250.00.

(e) Industrial wastewater annual maintenance fee:

(i) Significant user: \$1,000.00.

(ii) Non-significant user: \$500.00.

(f) Discharge of septic and holding tank waste:

(i) Permit fee: \$75.00.

(ii) Wastewater discharge: \$20.00 per 1,000 gallons.

¹The sewer service areas that are or will be provided sewer service by the Town of Jasper are established in Jasper Municipal Code § 18-108.

(3) Basis for determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD ₅	250 mg/l
Suspended Solids	250 mg/l
Oil and Grease	80 mg/l
Volume	300 gpd per domestic premise

The charges and fees for all users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that user as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, and volume.

(4) User charges. Each user of the town's sewer system will be levied a charge for payment of bonded indebtedness of the town and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge will be levied against those users with wastewater that exceeds the strength of normal wastewater.

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of the bond amortization costs of the town.

(a) Operation, maintenance, and replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

C_u = User's charge for OM&R per unit of time.

C_t = Total OM&R cost per unit of time, less cost recovered from surcharges.

V_t = Total volume contribution from all users per unit of time.

V_u = Volume contribution from a user per unit of time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User surcharges. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume

of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in normal wastewater as defined by section 18-212, subsection 18-213(3). The user must also comply with subsection 18-207(10) and subsection 18-208(8). The amount of the surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

- C_s = Surcharge for wastewaters exceeding the strength of normal wastewater expressed in dollars per billing period.
- B_c = OM&R cost for treatment of a unit of BOD₅, expressed in dollars per pound.
- B = Concentration of BOD₅ from a user above the base level of 250 mg/l expressed in mg/l.
- S_c = OM&R cost for treatment of a unit of suspended solids expressed in dollars per pound.
- S = Concentration of suspended solids from a user above the base level of 250 mg/l, expressed in mg/l.
- P_c = OM&R cost for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
- P = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharges will be established by the town.
- V_u = Volume contribution of a user per billing period in million gallons based on a 24-hour average for billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the town is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken when necessary, but in no case less frequently than annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. The pretreatment program charge will be based on the user's proportional share of the costs of

administering the POTW pretreatment program, which includes costs incurred by the town for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

- C_u = User's charge for POTW pretreatment program per unit of time.
- C_t = Total POTW pretreatment program costs per unit of time.
- V_t = Total volume contribution of permitted industrial users per unit of time.
- V_u = Volume contribution from a permitted industrial user per unit of time.

(5) Review of OM&R charges. The town shall review at least annually the wastewater contribution by users, the total costs of OM&R of the treatment works, and its approved user charge system. The town shall revise the user charges to accomplish the following:

- Maintain the proportionate distribution of OM&R costs among users or classes of users.
- Generate sufficient revenue to pay the total OM&R costs of the treatment works.
- Apply any excess revenues collected to the costs of operation and maintenance for the next year and adjust the rate accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionally among all users of the treatment works.

(7) Billing. Bills for all water and sewer service will be rendered monthly. Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owned by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise a ten (10) percent penalty shall apply. Failure to receive a bill will not release a customer from payment obligation, or extend the due date.

Should the final date of payment of a bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped by the Post Office 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 municipality reserves the right to render an estimated bill based on the best information available.

(8) Adjustments. The town may make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of town meters, leaks, or other recognized adjustments. (Ord. #178, Dec. 1991, as amended by Ord. #279, April 2002, and Ord. #317, July 2007)

18-214. Administration of sewer system. (1) Mayor and board of aldermen. In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

(a) To recommend from time to time that it amend or modify the provisions of this chapter.

(b) To grant exceptions pursuant to the provisions of subsection 18-208(8) hereof, and to determine such issues of law and fact as are necessary to perform this duty.

(c) To hold hearings upon appeals from orders of actions of the superintendent as may be provided under any provision of this chapter.

(d) To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating thereto.

(e) To hold other hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this section.

(f) To request assistance from any officer, agent, or employee of the town and to obtain any necessary information or other assistance for the board.

(g) The board, acting through its mayor, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.

(h) The mayor shall be authorized to administer oaths to people giving testimony before the board.

(i) The board shall hold regular meetings and special meetings as the board deems necessary.

(2) Superintendent.

(a) Superintendent and staff. The superintendent and his or her staff shall be responsible for the administration of all sections of this chapter. Administratively, the superintendent shall be appointed by and shall report to the mayor and board of aldermen.

(b) Authority of superintendent. The superintendent shall have the authority to enforce all sections of this chapter. The superintendent shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. The superintendent shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the town.

(c) Records. The superintendent shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.

(d) Superintendent to assist board. The superintendent shall attend all meetings of the mayor and aldermen, or when it is necessary for the superintendent to be absent, a designated representative shall be sent to make reports to and assist the board in the administration of this section.

(e) Notice of national pretreatment standard. The superintendent shall notify industrial users identified in 40 CFR, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C.1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001 (42 U.S.C. 6921), 330-4 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the superintendent to notify industrial users shall not relieve the users from the responsibility of complying with these requirements.

(f) Public participation notice. The superintendent shall comply with the public participation requirements of 40 CFR, Part 25 in the enforcement of national pretreatment standards. The superintendent shall at least annually provide public notification in a newspaper published in Marion County of all significant industrial users which, during the previous 12 months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:

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

(ii) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and all other pollutants, except Ph).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of POTW personnel and the general public.

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

(v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the superintendent considers to be significant.

(g) Regulations and standards authorized. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this chapter and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the superintendent. Such rules and regulations shall be ratified and adopted by the mayor and board of aldermen.

(h) Sewer credits. The superintendent shall approve secondary meters and determine other kinds of sewer user charge credits.

(i) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #178, Dec. 1991)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-301. Definitions.
- 18-302. Compliance with law.
- 18-303. Regulated.
- 18-304. Statement required.
- 18-305. Inspections.
- 18-306. Correction of violations.
- 18-307. Required protective device.
- 18-308. Nonpotable supplies.
- 18-309. Provisions applicable.
- 18-310. Penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

(2) "Public water system." The waterworks system which furnishes water to the Town of Jasper and certain surrounding areas for general use and which is recognized as a public water system by the Tennessee Department of Environment and Conservation (TDEC). (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-302. Compliance with law. The Town of Jasper Public Water System is to comply with Tennessee Code Annotated, § 68-221-101, et seq., as well as the rules and regulations for public water systems, legally adopted in accordance with said code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective on-going program to control these undesirable water uses. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-303. Regulated. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times

under the direct supervision of the superintendent of the Town of Jasper Public Water System. (Ord. # 171, Nov. 1989)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent 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. (Ord. # 171, Nov. 1989)

18-305. Inspections. The superintendent or his authorized representative shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the superintendent in accordance with guidelines acceptable to the Tennessee Department of Health and Environment. The superintendent or his authorized representative shall have the right to enter at any reasonable time any property served by a connection to the Town of Jasper Public Water System for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses or interconnections. 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. (Ord. # 171, Nov. 1989)

18-306. Correction of violations. Any person who now has cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the superintendent.

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(6), within the time limits set by the superintendent, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross-connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of

contaminating the public water system, the superintendent shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is(are) corrected immediately. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-307. Required protective device. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the 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 supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected;

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. The protective devices shall be reduced pressure zone type backflow preventers approved by the Tennessee Department of Environment and Conservation and by the superintendent as to manufacture, model, and size. 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. The installation shall be at the expense of the owner or occupant of the premises.

The owner or occupant of the premises shall provide for inspection and testing of the device on an annual basis by qualified personnel using properly calibrated testing equipment. The owner or occupant shall submit results of inspection and testing, a copy of the inspector's State of Tennessee certification and proof of annual calibration of testing equipment to the superintendent. The inspection and testing shall be at the expense of the owner or occupant of the premises. The results of inspection and testing shall be evaluated by the superintendent.

Personnel of the Town of Jasper Public Water System shall have the right to inspect and test the device 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. 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 discontinue water service and arrange for a mutually acceptable time to test or repair the device. The superintendent shall require the owner or occupant of the premises to make all repairs promptly and perform retesting to verify and to keep any protective device working properly. Repairs and retesting shall be at the expense of the owner or occupant of the premises. Detailed results of inspection, testing, repairs and retesting shall be furnished to and maintained by the Town of Jasper Public Water System.

Repairs shall be made by qualified personnel, acceptable to the superintendent. The failure to maintain a backflow preventive device in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, by-passing, or altering 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 owner or occupant of the premises has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (Ord. # 171, Nov. 1989, as amended by Ord. #319, Aug. 2007)

18-308. Nonpotable supplies. The potable water system available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. # 171, Nov. 1989)

18-309. Provisions applicable. The requirements contained herein shall apply to all premises served by the Town of Jasper Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Town of Jasper's Corporate Limits. (Ord. # 171, Nov. 1989)

18-310. 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, upon conviction therefore, shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), and each day of continued violation

after conviction shall constitute a separate offense. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)