

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWER EXTENSIONS

SECTION

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18-101. Application forms. Application for water and/or sewerage service must be made in writing on the appropriate form. The forms are:

- (1) "Application for Utility Service for a Single Customer Property Inside the Corporate Limits of the City of Manchester, Tennessee."
- (2) "Application for Utility Service for a Multiple Customer Property Inside the Corporate Limits of the City of Manchester, Tennessee."
- (3) "Application for Utility Service for a Single Customer Property Outside the Corporate Limits of the City of Manchester, Tennessee."
- (4) "Application for Utility Service for a Multiple Customer Property Outside the Corporate Limits of the City of Manchester, Tennessee."

The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the office of the water and sewer commission in an original and three (3) copies. (1972 Code, § 13-201)

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-102. Extensions within corporate limits; applicant's responsibilities. Any person, persons, firm or corporation to have water and/or sewer service made available to a particular lot, area, or subdivision, within the municipal boundaries of the City of Manchester, Tennessee, shall:

(1) Make application for service on written forms provided by the Water and Sewer Department of Manchester, Tennessee. The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the Water and Sewer Commission of the City of Manchester, in an original and three copies.

(2) Each application for service to multiple customer property will be accompanied by four complete sets of detailed plans and specifications for construction of all water and/or sewer facilities to be installed on the property. The proposed construction must be in accordance with standards of the Water and Sewer Department and the design criteria of the Tennessee Department of Environment and Conservation, and the plans and specifications will be subject to the review of the Sanitary Engineering Division of the Tennessee Department of Environment and Conservation. Plans and specifications must be prepared by a qualified professional engineer registered in the State of Tennessee.

(3) Each application for service to multiple customer property must be accompanied by four (4) copies of the proposed subdivision of the property as approved by the Manchester Municipal Planning Commission.

(4) If the application for water and sewer service is approved by the Water and Sewer Commission of the City of Manchester, the person, persons, firm or corporation shall:

(a) Secure bids from competent and reliable contractors for the furnishing of all materials, labor and service necessary for the construction of all necessary extensions of water and/or sewer lines and distribution system. The bids so submitted shall be subject to review by the Water and Sewer Commission of the City of Manchester, Tennessee.

(b) At own expense, construct all extensions of water and/or sewer lines and distribution system in accordance with the specifications and plans approved by the Water and Sewer Commission of the City of Manchester, Tennessee, in a good workmanlike manner and furnish all materials, labor and services, therefor. The Water and Sewer commission of the City of Manchester shall from time to time during installation and construction of said extensions and system, inspect the quality and thoroughness thereof.

(c) Upon the completion of the construction of said extensions and distribution system, furnish to the Water and Sewer Commission of the City of Manchester, evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(d) Furnish, to the City of Manchester, a written statement from a duly licensed and competent engineer that the installation and construction conforms to all specifications and that he has approved it.

(e) Upon acceptance of said system by the Water and Sewer Commission of the City of Manchester, transfer and convey, by a written instrument, the extension and the distribution system to the city free from all liens of every kind. (1972 Code, § 13-202, as amended by Ord. #807, Jan. 1998)

18-103. Extensions within corporate limits; city's responsibilities.

The City of Manchester shall do and be responsible for the following things:

(1) Upon the completion of the extension and distribution system, the construction will be inspected by the water and sewer department at the expense of said department. Upon acceptance by the water and sewer commission, the extension and said distribution system will become the property of the Water and Sewer Department of the City of Manchester and will be operated and maintained by the department.

(2) The City of Manchester shall participate in the extension and corporate installation of water and sewer services inside the boundaries of the City of Manchester, only to the extent as provided as follows:

(a) Furnish water meters at no cost to the person, persons, firm or corporation constructing the extension and distribution system.

(b) Furnish inspection services of the facilities being installed from time to time.

(c) Give free tapping permits to the person, persons, firm or corporation bearing the cost of the installation or extension of lines or distribution system.

(3) In the event the water and sewer commission requires the installation of larger than six inch water mains or eight inch sewer lines because of anticipated additional expansion, extension, or fire protection, the city will pay the differential in the actual cost of materials between a six inch water main and eight inch sewer line and the required larger mains or lines.

The total cost of all water and/or sewer system extension or distribution system is to be paid by the person, persons, firm or corporation requesting and making said extension and additions, except as set forth above. This is meant to include all mains, valves, manholes, house connections, service lines, pumping stations, or other facilities as required to meet the standards of the water and sewer commission.

(4) The city shall participate in the extension and installation of water and/or sewer lines as set forth above, except in such cases where the extension and installation of water and/or sewer lines does not exceed the minimum city tap fee or charge and in that event, no free tap fee, water and/or sewer will be furnished or given by the city. (1972 Code, § 13-203)

18-104. Extensions outside corporate limits; applicant's responsibilities. Any person, persons, firm or corporation desiring to have

water and/or sewer service made available to a particular lot, area, or subdivision outside the municipal boundaries shall:

(1) Make application for service on written forms provided by the Water and Sewer Department of Manchester, Tennessee. The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the Water and Sewer Commission of the City of Manchester, in an original and three (3) copies.

(2) Each application for service to property will be accompanied by four (4) complete sets of detailed plans and specifications for construction of all water and/or sewer facilities to be installed on the property. The proposed construction must be in accordance with the standards of the water and sewer department and the design criteria of the Tennessee Department of Environment and Conservation and the plans and specifications will be subject to the review of the Tennessee Department of Environment and Conservation. Plans and specifications must be prepared by a qualified professional engineer registered in the State of Tennessee.

(3) Each application for service to multiple customer property must be accompanied by four (4) copies of the proposed subdivision of the property as approved by the Manchester Municipal Planning Commission.

(4) If the application for water and sewer service is approved by the Water and Sewer Commission of the City of Manchester, the person, persons, firm or corporation shall:

(a) Secure bids from competent and reliable contractors for the furnishing of all materials, labor and services necessary for the construction of all necessary extensions of water and/or sewer lines and distribution system. The bids so submitted shall be subject to review by the Water and Sewer Commission of the City of Manchester, Tennessee.

(b) At own expense, construct all extensions of water and/or sewer lines and distribution system in accordance with the specifications and plans approved by the Water and Sewer Commission of the City of Manchester, Tennessee, in a good workmanlike manner and furnish all materials, labor and services therefor. The Water and Sewer Commission of the City of Manchester shall from time to time during installation and construction of said extensions inspect the quality and thoroughness thereof.

(c) Upon the completion of the construction of said extensions and distribution system, furnish to the Water and Sewer Commission of the City of Manchester evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(d) Furnish to the City of Manchester a written statement from a duly licensed and competent engineer that the installation and construction conforms to all specifications, and that he has approved the same.

(e) Upon acceptance of said system by the Water and Sewer Commission of the City of Manchester, transfer and convey by a written instrument, the extension and distribution system to the city free from all liens of every kind. (1972 Code, § 13-204, as amended by Ord. #807, Jan. 1998)

18-105. Extensions outside corporate limits; city's responsibilities.

The City of Manchester or the water and sewer commission of the city shall not participate in the cost of the extension of lines and/or a distribution system outside the corporate limits except in the following manner:

(1) It may construct main lines along primary roads or connector lines along secondary roads where it is suitable, financially feasible and the City of Manchester Water and Sewer Department can provide reliable service, and when it is included in the long range plans of the city and approved by the board of mayor and aldermen.

(2) It may furnish and install water and/or sewer connections for approved extensions at actual cost.

(3) It may install lines into existing subdivisions and other non-qualifying areas at actual cost, to be paid by the person, persons, firm or corporation requesting said extension, in advance. (1972 Code, § 13-205, as amended by Ord. #761, April 1996)

18-106. Connections to extensions. In the event the person, persons, firm or corporation making extension of water and/or sewer trunk lines and distribution system, either inside or outside the corporate boundaries of the city, shall go over, under, upon, adjacent or near any property now owned by it or serviced by city water and/or sewer service, the owner or owners of the property not serviced or participating in the payment of the construction of extensions and distribution system shall not be allowed by the city to tap on to or connect to said water and/or sewer trunk lines, extensions or distribution system, without first paying to the person, persons, firm or corporation so paying the cost of said additions, the pro rata cost of same. The amount and method of determining the pro rata costs shall be decided by the Water and Sewer Commission of the City of Manchester, Tennessee. The foregoing provisions of this section shall apply only for a period of ten (10) years from the date of acceptance by the City of Manchester of the extensions of water and/or sewer trunk lines and distribution system. The recovery rights given to the party extending a water or sewer line are non-assignable. (1972 Code, § 13-206)

18-107. "Extension" or "extension of service" defined. "Extension" or "extension of service" is defined as that of sewer or water mains required to provide connections from the existing water and/or sewer facilities of the City of Manchester to a feasible point of entry to the property to be served. The necessary extensions and point of connection to the existing water and/or sewer

facilities shall be determined by the Water and Sewer Commission of the City of Manchester. (1972 Code, § 13-207)

18-108. City not required to accept or make extensions. Nothing set forth above shall be construed to require the City of Manchester to accept any proposed extensions or to provide any extension to the Water and/or Sewer System of the City of Manchester, without the approval of the Water and Sewer Commission of the City of Manchester and concurrence of the Board of Mayor and Aldermen of the City of Manchester. (1972 Code, § 13-208)

CHAPTER 2

WATER AND SEWER RATES

SECTION

- 18-201. Monthly payments for water and sewer services required.
- 18-202. Deposit to accompany application for water service.
- 18-203. Tap fees, service discontinued for cause, charges for reinstatement of service.
- 18-204. Authority for making connections and turning services on and off; customer's responsibility for giving notice to discontinue service.
- 18-205. Rates for water and sewerage service.
- 18-206. Basis for determination of charges.

18-201. Monthly payments for water and sewer services required.

Every water customer shall pay the established rates for water supplied on or before the due day on the bill. If payment is not received before the next day of the month a charge of ten percent (10%) will be added to the net bill (both water and sewer), and if not paid within forty-five (45) days after due date the water will be cut off and shall not be turned on again until all arrearages (both water and sewer) shall have been paid in full and the customer shall have paid a sum of \$35.00 for turning the water on again; said \$35.00 charge to be applicable to and payable where it has been necessary for authorized personnel of the water and sewer commission to travel to the customer's premises for the purpose of cutting the water off and said personnel upon arrival accepting payment of all charges and arrearages. Failure of the customer to receive the bill will not be considered an excuse for non-payment. (1972 Code, § 13-301, as amended by Ord. #1686, April 2023 *Ch22_04-04-23*)

18-202. Deposit to accompany application for water service. Any application to have water turned on shall be made in writing to the water and sewer commission and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter, and all amendments thereto.

Service connections, or deposits shall be as follows:

(1) For temporary service, up to a maximum of thirty (30) days, there shall be a non-refundable service connection fee of fifteen (\$15.00) dollars. If service is not terminated within thirty (30) days, the fee for permanent service will be charged.

(2) For each permanent service or when an existing customer transfers the service to a new location, there shall be a non-refundable service connection fee of thirty-five (\$35.00) dollars.

(3) In addition to the non-refundable service connection fee, applicants for residential service must post a deposit of one hundred fifty dollars (\$150.00) when requesting service. Residential property owners will be exempted from

the deposit requirement upon providing evidence of ownership of the property served, subject to the provisions of subsection (6), below.

(4) Business, commercial or industrial users are required to post a deposit of two (2) times its average monthly billing prior to receiving water service.

(5) Upon termination of water service, all deposits currently held by the water and sewer department shall be first applied toward payment of any outstanding indebtedness owed to the department, and any remaining portion of the deposit shall be refunded to the customer.

(6) The director of the water and sewer department, with the concurrence of the water and sewer commission, and after a due process hearing, may require a residential customer to post a deposit of two (2) times its average monthly billing, or a business, commercial or industrial customer to increase its deposit to an amount in excess of two (2) times its average monthly billing whenever the customer has proven to be an unreliable credit risk as evidenced by one of the following conditions: The customer has moved and left unpaid delinquent bills and has reapplied for service; the customer has left a bill unpaid for so long that the department has applied the deposit and rendered a final bill; or the customer's service has been cut off for delinquency three (3) times. The director of water and sewer may refuse additional service to the customer until the required deposit is paid. (1972 Code, § 13-302, as amended by Ord. #786, June 1997, replaced by Ord. #846, April 1999, and Ord. #958, Oct. 2001, and amended by Ord. #964, Dec. 2001, Ord. #1088, Jan. 2005, and Ord. #1291, Jan. 2011)

18-203. Tap fees, service discontinued for cause, charges for reinstatement of service.

(1) Tap fees inside and outside city. All applicants for new water and sewer service shall state on the application form the use to which the water is to be applied; residential, restaurant, small business or commercial, etc. Tap fees will be as follows:

- (a) Residential inside city.
 - (i) Water, (3/4' service) \$1,500.00.
Over 3/4' service computed at cost.
 - (ii) Sewer, (4' connection) \$2,000.00.
Over 4' connection computed at cost.
- (b) Residential outside city.
 - (i) Connections for water and sewer shall be one and one half (1 1/2) times the inside rate.
 - (ii) Road bores, street cuts or manhole core drillings shall be at an additional charge (computed at cost) to the customer.
- (c) Restaurant inside city.
 - (i) Water, (3/4' service) \$1,500.00.
Over 3/4' service computed at cost.

- (ii) Sewer, (4' connection) \$2,000.00.
Over 4' connection computed at cost.
 - (iii) Road bores over 50', street cuts over 50', manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.
- (d) Restaurant outside city.
 - (i) Connections for water and sewer will be one and one-half (1 1/2) times the inside rate.
 - (ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.
- (e) Small business (10 employees or less) inside city.
 - (i) Water - Cost of equipment, material and manhours.
 - (ii) Sewer - (4" connection) \$1,000.00. Over 4" connection shall be at cost of equipment, material and manhours.
 - (iii) Road bores over 50', street cuts over 50', or manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.
- (f) Small business (10 employees or less) outside city.
 - (i) Connections for water and sewer shall be one and one-half (1 1/2) times the inside rate.
 - (ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.
- (g) Commercial (more than 10 employees) inside city or inside Coffee County Industrial Park.
 - (i) Water - cost of equipment, material and manhours.
 - (ii) Sewer - (4" connection) \$1,000.00.
Over 4" connection shall be at cost of equipment, material and manhours.
 - (iii) Road bores over 50', street cuts over 50' or manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.
- (h) Commercial (more than 10 employees) outside city or outside Coffee County Industrial Park.
 - (i) Connection for water and sewer shall be one and one half (1 1/2) times the inside rate.
 - (ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.
- (i) City, county and federal buildings.
 - (i) Water - cost of equipment, material and manhours.
 - (ii) Sewer - cost of equipment, material and manhours.

- (iii) Road bores, street cuts or manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(2) Service discontinued for cause. (a) Service may be discontinued and locked off for misrepresentation on the application for service, non-payment of water/sewer bills, bad checks or checks written on accounts with insufficient funds, any violation of title 18 of the Manchester Municipal Code or any violation of the State of Tennessee Department of Environment and Conservation regulations and/or applicable sections of the Tennessee Code.

(b) Capacity fees. Upon Tennessee Department of Environment and Conservation (TDEC) approval, a new development capacity fee will be charged for wastewater at one thousand dollars (\$1000.00)/SFU (single family unit, or equivalent). Capacity fees for hotels and motels shall be based on the number of guestrooms, divided in half and rounded up to the nearest whole number, and multiplied by the applicable fee. Capacity fees for new commercial/industrial facilities shall be based on data from similar facilities, standard design criteria, and or other published data, with the basis of two hundred (200) gallons per day equivalent to one SFU, rounded up to the next highest whole number and multiplied by the applicable fee.

(3) Charges for reinstatement of services. When water service has been turned off for cause, service will not be reinstated until the cause has been corrected. There will be a \$20.00 charge for returned checks. In addition, there will be a fee of \$35.00 for reinstatement of services during working hours or \$55.00 for reinstatement of services after hours. All past charges and fees must be paid before service is reinstated. Service will not be discontinued for cause on Fridays, or the day before a legal holiday, and it will not be reconnected after dark. (1972 Code, § 13-303, as amended by Ord. #785, June 1997, Ord. #807, Jan. 1998, Ord. #847, April 1999, Ord. #1418, April 2014, Ord. 1665, Oct. 2022 *Ch22_04-04-23*, and Ord. #1685, April 2023 *Ch22_04-04-23*)

18-204. Authority for making connections and turning services on and off; customer's responsibility for giving notice to discontinue service. No person except the manager of the water and sewer department or his representatives shall make any connection to the water or sewer mains or turn water on for use nor shall any person whose water has been cut off for any violation of the water or sewer regulations or for failure to pay his water or sewer rent be allowed to turn the water on again. No meter shall be disconnected from the pipe, moved, or disturbed without permission from the manager who will send a properly authorized person to attend to any change needed. It is the duty of the consumer to notify the water department of any change of address. If at any time a person vacates the premises that person must notify the water department office; otherwise, the water rent may be

charged to and collected from him until such time as notification is received in the water department office. (1972 Code, § 13-304)

18-205. Rates for water and sewerage service. Effective January 1, 2022, water and sewer rates within the corporate limits shall be:

	<u>Water</u>	<u>Sewer</u>
Up to and including 2,000 gallons	\$9.22 minimum	\$11.58 minimum
For the next 98,000 gallons	\$4.61/1,000 gal.	\$5.79/1,000 gal.
All over the next 100,000 gallons	\$3.66/1,000 gal.	\$4.61/1,000 gal.
Unmetered residential customers		\$27.57/minimum

The multipliers for service outside the corporate limits shall be applied to these rates.

These rates are supplementary to those rates adopted in Ordinance 1229. Nothing herein is intended to repeal any part of Ordinance 1229 but merely restates those rates and adopts rates for the periods beginning July 1, 2010 and July 1, 2011, as set forth herein.

Outside the corporate limits, industrial water and sewer rates will be one and one-half (1 1/2) times the inside rates, listed above. Residential and commercial rates will be two (2) times the inside rates, listed above.

Persons who do not connect to an accessible water supply within thirty (30) days after receiving notice from the Water and Sewer Commission, as required by § 18-301, shall be charged a "ready to serve charge," and persons or who do not connect directly with the proper public sewer within ninety (90) days after the date of official notice, as required by § 18-404 shall be charged the scheduled rate for sewer usage based on metered water usage if connected to water and not to sewer, or if not connected to water, a "ready to serve charge." Failure to pay these charges can result in discontinuation of other city services, may be collected by suit in city court, or may be added as additional charges to the real property taxes of the owner.

The monthly "ready to serve charge" shall be calculated by multiplying the current tap fee cost by ten (10%) percent and dividing by 12 months, and adding the minimum bill for water or sewer service, as the case might be. If the person has already purchased and paid a tap fee, then the "ready to serve charge" shall be limited to the minimum bill.

All city residents receiving, or who could receive water and sewer services provided by the City of Manchester, Tennessee, who are sixty five (65) years of age or older and who have an annual income from all sources not exceeding that amount computed according to Tennessee Code Annotated, § 67-5-202(2) shall receive a ten (10%) percent discount on the net amount of their water and sewer billing, or if applicable, a waiver of the "ready to serve charge" imposed by this section, so long as their private septic disposal system is functioning properly. Those entitled to the benefits of these code sections on the date the ordinance

comprising this section is enacted shall remain entitled to the benefits thereof notwithstanding that they are not yet sixty-five (65) years of age.

A fire protection charge will be assessed for fire hydrants at the rate of one hundred fifty (\$150.00) dollars per year.

Customers maintaining a sprinkler system served by city water shall be required to enter into a contract with the City of Manchester for the sprinkler service, which will specify the fee structure, the number of sprinkler heads, and which shall specify the owners responsibility for immediate corrective action in the event of water leaks.

The annual fee for fire protection sprinkler systems shall be established as follows:

<u>Area Protected</u>	<u>Surcharge</u>	<u>Annual Fee</u>
0 to 10,000 sq. ft.	\$25.00 plus	\$1.00/sprinkler head
10,000 to 25,000	\$50.00 plus	\$1.00/sprinkler head
25,000 to 50,000	\$80.00 plus	\$1.00/sprinkler head
50,000 and over	\$100.00 plus	\$1.00/sprinkler head

Charges for acceptance of domestic septic tank waste delivered by vehicle shall be measured by tank capacity, regardless of whether the tank is full, and not as set forth in § 18-206. The charge for acceptance of domestic septic tank waste shall be sixty-seven dollars (\$67.00) per one thousand (1,000) gallons or part thereof; however, if the tank capacity is less than five hundred (500) gallons, the charge shall be thirty-two and one-half dollars (\$32.50). (1972 Code, § 13-305, as amended by Ord. #832, Sept. 1998, Ord. #848, April 1999, Ord. #952, Oct. 2001, Ord. #1007, Sept. 2002, Ord. #1229, May 2009, Ord. #1234, June 2009, Ord. #1315, Nov. 2011, Ord. #1329, May 2012, Ord. #1429, July 2014, Ord. #1506, Dec. 2016, and Ord. #1655, July 2022 *Ch21_07-05-22*)

18-206. Basis for determination of charges. Charges shall be based on the amount of water sold as determined by meter measurement (both water and sewer). In the event that sewer, but not water, service is provided a residential customer the sewer service charge shall be the average residential charge for sewer service as determined by the director. The director may revise this charge from time to time based on either a change in the average residential usage and/or actual measurements of this sewerage flow.

Installations or customers, other than residential, which discharge additional sewerage flows to the city system other than that provided through metered water service shall be required to meter the additional discharge (size and location to be determined by the director) and will be charged based on this metered amount in addition to the monthly sewer charge set forth above. The customer is to furnish, install, maintain and, as decided by the director,

calibrate the meter(s) required. The director may determine this additional sewer discharge to be an extraneous flow and charge the customer as provided below.

Upon determination that a sewer customer is permitting extraneous flow (storm water runoff, storm drainage, groundwater, un-metered water of any source or nature, etc.) to enter the city's wastewater treatment facilities, the city will make a measurement of such flow during wet weather, or time as determined by the director, and thereafter the charge for sewer services will be based upon the flow measured at that time on a demand treatment capacity basis or upon any subsequent measurement indicating a greater demand. A monthly sewer charge determined upon this basis will be in addition to the monthly sewer charge set forth above and can be reduced, or modified, upon and to the extent of satisfactory demonstration to the city that the source of the extraneous flow into the customer's sewer service lines have been eliminated or measured. (1972 Code, § 13-307, as renumbered by Ord. #849, April 1999)

CHAPTER 3

WATER

SECTION

- 18-301. When a connection to the water facilities is required.
- 18-302. Installation or change of water service pipes.
- 18-303. Water consumers to maintain water pipes properly, allow inspections and indemnify city.
- 18-304. Stop cocks required for water service lines.
- 18-305. Water meters required.
- 18-306. Maintenance of water meters; failure of meter to register.
- 18-307. City not liable for damages resulting from discontinuing water service.
- 18-308. Fluoridation of water supply.
- 18-309. Swimming pools.
- 18-310. Water theft.

18-301. When a connection to the water facilities is required. Whenever an accessible treated water supply of the city exists, all persons shall, within thirty (30) days of receiving notice from the water and sewer commission, make proper and permanent connections to said city water supply and shall remove all unauthorized cross-connections, auxiliary intakes, by passes or interconnections required in other sections of this code. Any property owner and/or owners who shall fail or refuse to comply with such notice shall be guilty of a misdemeanor. (1972 Code, § 13-401)

18-302. Installation or change of water service pipes. In every case the installation of the service pipe from the street main to the meter shall be made by the water department. No person or persons shall make any change in the service pipe between the main and the meter unless authorized to do so by the manager or persons authorized by him or the water commission. (1972 Code, § 13-402)

18-303. Water consumers to maintain water pipes properly, allow inspections and indemnify city. Every water consumer shall keep the water service pipes within his premises in good order and repair and well protected so as to prevent leaking or freezing. Pipes shall be laid out not less than eighteen (18) inches under the ground, and where exposed, the pipe shall be furnished with stop and waste cocks. The water-taker shall not conceal the purpose for which his water is used. He shall allow the manager or persons authorized by him or the water commission to enter the premises supplied with water to examine the pipes and fixtures and ascertain the quantity of water used and the manner of its use. He shall also indemnify the city for all damages it may

sustain or be required to pay in consequence of any injury resulting from any violation of these regulations by the water-taker. (1972 Code, § 13-403)

18-304. Stop cocks required for water service lines. Every water service line shall be provided with a satisfactory and easily accessible stop cock with coupling (this stop shall be the same size as the service pipe) to be located always between the meter and the first branch of the main service. (1972 Code, § 13-404)

18-305. Water meters required. One water meter must be installed for each building served by a water service connection, unless hereinafter excepted. The meter location shall be between the curb and the building at a place specified by the water department, and must accommodate the same size or larger than the service line. The meter and all material used in the service line shall become the property of the City of Manchester.

The one meter for each building requirement shall apply equally to either a residential or a commercial service. The following uses shall be excepted:

- (1) Apartment houses, hotel or motels;
- (2) Governmental or school buildings;
- (3) Churches;
- (4) A business operating in more than one building, but on adjoining sites and under the same name and business license;
- (5) Accessory residential structures;
- (6) Two (2) or more users in the same structure, even if one is residential and the other is commercial.

This section shall apply only to a new construction, or additions to an existing service requested after the effective date of this chapter, and not to uninterrupted existing services. New or additional services shall be denied until the meters are brought into compliance with this section. If water service is discontinued, it shall not be reconnected until the customer has complied with the provisions of § 18-203 (3). (Ord. #749, Nov. 1995)

18-306. Maintenance of water meters; failure of meter to register. The consumer must keep the meter within his premises easily accessible for reading at all times. The water department will include all repairs due to ordinary wear in its rental charge, but in all cases the consumer will be held responsible for proper protection of the meter from all damage which may occur due to freezing or from hot water backing from the over-heated house boilers or from any other cause. The consumer shall pay the established meter rate for the amount of water registered whether used or wasted. The water department will assume no responsibility for use of water within metered premises.

Should the meter fail to register for any cause, the quantity used shall be determined and the charge made based on the average amount registered by the meter when in good order. (1972 Code, § 13-406)

18-307. City not liable for damages resulting from discontinuing water service. No water-taker shall be entitled to any damages nor will any portion of a payment be refunded for any sudden stoppage of the city water supply occasioned by an accident or otherwise, or for any stoppage for the purpose of making extensions, alterations, or repairs, or any shut-off for non-payment of service charges. In such an event water-takers must guard themselves against the collapse of boilers, damage to electric heaters, and other injuries liable to result from stoppage of the water supply. (1972 Code, § 13-407)

18-308. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the city, to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the city water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1972 Code, § 13-408)

18-309. Swimming pools. The use of fire hydrants for filling swimming pools is prohibited, except when authorized by the water and sewer department.

A request must be filed with the water and sewer department at least seventy-two (72) hours prior to service. The request must contain the customer's name, address, and telephone number, and if the person requesting the service is not a customer of the water and sewer department, a fee as determined by the water and sewer commission must be paid at the time of the request.

The charge for filling a swimming pool during normal working hours, Monday through Friday, except on holidays shall be a non-refundable service connection fee of thirty-five (\$35.00) dollars, plus the water rate charges included in § 13-305 of this code. If an employee(s) is required to work after 4:00 P.M., a charge of \$20.00 per hour, per man will be added. For filling after hours, or on a weekend or a holiday, the minimum charge will be \$55.00 per man, with an additional charge of \$20.00 per hour, per man, for any work in excess of two (2) hours. (1972 Code, § 13-410, as amended by Ord. #1069, Aug. 2004)

18-310. Water theft. 1. It shall be unlawful for any person or business to:

- a. Tap or connect to any city water main without permission of the Manchester Water and Sewer Department, or
- b. Take, use, or consume any water from a city water main unless the water is property metered by a device installed and approved by the City of Manchester Water and Sewer Department, or
- c. Tamper with any water meter, or any fittings or fixtures on that meter, including but not limited to installing or using any pipe, bypass, cutoff or other device to interfere with the approved installation

or the normal operation of the meter regulating the quantity of water consumed, or

d. Make any connection to a fire hydrant, flushing hydrant or flushing valve without the permission of the City of Manchester Water and Sewer Department.

2. Any person or business found to be in violation of this section shall be imposed the following civil penalties:

a. The cost of the estimated usage of water as determined by the director of the water and sewer department and a civil penalty of up to \$250.00 on the first offense.

b. The cost of the estimated usage of water as determined by the director of the water and sewer department, an assessment equal to the full cost of a current tap fee and a civil penalty of up to \$500.00 for the second offense by the same person or at the same location.

c. The cost of the estimated usage of water as determined by the director of the water and sewer department, as assessment equal to the full cost of a current tap fee, and a civil penalty of up to \$1,000.00 for the third or subsequent offense by the same person or at the same location.

3. Upon notice and hearing, the water and sewer department may discontinue any future service to the persons of businesses found to have violated this section. (as added by Ord. #896, Aug. 2000)

CHAPTER 4

SEWERS

SECTION

18-401. Definitions.

18-402. Abbreviations.

18-403. Sewer service may be refused, restricted, etc., under various circumstances.

18-404. Use of public sewers required.

18-405. Private sewage disposal.

18-406. Building sewers and connections.

18-407. General discharge regulations.

18-408. Acceptance of domestic septic tank waste delivered to the wastewater treatment plant.

18-409.--18-429. [Deleted.]

18-401. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

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

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

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

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

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

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

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "City." The City of Manchester or the Board of Mayor and Aldermen of the City of Manchester.

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

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

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

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

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

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

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

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

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

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

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

(18) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(19) "Person." Any individual, partnership, copartnership, 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.

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

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

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

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

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

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

(26) "State." State of Tennessee.

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

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

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

(30) "TDEC." Tennessee Department of Environment and Conservation.

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

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

(33) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and

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

(34) "Wastewater contribution permit." As set forth in § 18-416 of this chapter.

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

(1972 Code, § 13-501, as amended by Ord. #807, Jan. 1998, and Ord. #1452, April 2015)

18-402. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand.
CFR	-	Code of federal regulations.
COD	-	Chemical oxygen demand.
EPA	-	Environmental Protection Agency.
l	-	Liter.
mg	-	Milligrams.
mg/l	-	Milligrams per liter.
NH ₃ -N	-	Ammonia.
NPDES	-	National pollutant discharge elimination system.
POTW	-	Publicly owned treatment works.
SIC	-	Standard industrial classification.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
USC	-	United States Code.
TSS	-	Total Suspended Solids.

(1972 Code, § 13-502)

18-403. Sewer service may be refused, restricted, etc., under various circumstances. The City of Manchester through its board of mayor and aldermen or water and sewer commission may either permit or refuse permission of any person, business, property or other entity to connect to the public sewer system as may be warranted by the capacity and ability of the sewers and treatment plant to carry and treat sewage or as the public interest may require or as otherwise indicated in this chapter. (1972 Code, § 13-503)

18-404. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Manchester or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located in a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (91.5 meters) of the property line if access is available and it is otherwise practicable to do so. (1972 Code, § 13-504)

18-405. Private sewage disposal. (1) Where a public sanitary sewer is not available under the provisions of § 18-404(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the health officer. The application for such permit shall be made on a form furnished by the health officer, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the health officer.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the health officer. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the health officer when the work is ready for final inspection, and before any underground portions are covered.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Coffee County Department of Public Health and the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7500 square feet. (Lot areas of 7500 square feet to less than 20,000 square feet shall be served by a city water supply as a prerequisite to the installation of a subsurface soil absorption disposal system.) No septic tank shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 18-405(4), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(7) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(8) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean gravel or dirt as directed by the health officer. (1972 Code, § 13-505)

18-406. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the manager.

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

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager.

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

(4) A separate and independent building sewer shall be provided for every building. This requirement includes a separate sewer for each unit of a multi-unit building, except apartment buildings, duplexes, motels and hotels or where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In the case of multi-unit buildings, each unit shall be required to pay a separate tap fee regardless of whether or not the same sewer line is connected for all of the units.

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes, water and sewer department standard construction specifications, or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

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

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

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

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1972 Code, § 13-506, as amended by Ord. #775, Nov. 1996)

18-407. General discharge regulations. A fat, oil and grease (FOG) management system must be immediately installed in any new or newly remodeled establishment that serves or prepares food and introduces grease into the sewer system, and for all other existing establishments within twelve (12) months after the final passage of this section, or on January 1, 1994, whichever occurs first. Specifications for the FOG management systems required for establishments, according to the number of persons who can be served, will be on file in the Office of the Manager of the Manchester Water and Sewer Department and are adopted as the minimum standards acceptable under this section.

Each establishment regulated under this section shall have a minimum 1500 gallon grease interceptor, or larger, depending on the number of persons served and the owner of the real estate shall be responsible for the operation and maintenance of those interceptors, at the owner's expense. Each interceptor shall be inspected quarterly by the owner and grease or other material removed and disposed of in a manner consistent with all local, state and federal laws and regulations, and kept in continuous and efficient operation. Dishwashers shall not be connected to the grease interceptor.

Existing establishments required to have a FOG management system who fail to do so within twelve (12) months after the final passage of this section, or on January 1, 1994, whichever occurs first, shall be subject to cessation of water and sewer services without prior notice. New or remodeled establishments will not be issued a building permit or building license until the manager of the Manchester Water and Sewer Department certifies compliance with this chapter. (1972 Code, § 13-507, as amended by Ord. #856, Sept. 1999, Ord. #907, Nov. 2000, and Ord. #1452, April 2015)

18-408. Acceptance of domestic septic tank waste delivered to the wastewater treatment plant. (1) In consideration of the fees set forth in code § 18-205 and subject to the provisions, the Manchester Water and Sewer Department is authorized to accept domestic septic tank waste brought by vehicle to its wastewater treatment plant located on West High Street during the hours determined by the department. Such waste will be accepted only from those persons who have been issued a permit by the city to deliver such waste.

(2) A person seeking a permit (hereinafter "hauler") must submit an application to the water and sewer commission in the form it shall specify along with an application fee of twenty-five dollars (\$25.00). The application must include the applicant's full legal name, physical address, identity of those authorized to deliver waste to the city's facility and identification of those vehicles which will be used to deliver waste to the city's facility. Said application must also have attached thereto a copy of the applicant's State of Tennessee Septic Waste Hauler's Permit, motor vehicle liability insurance policy insuring the vehicle used in delivery and a copy of the applicant's general liability insurance policy. These policies must have per accident/incident liability limits of no less than one hundred thousand dollars (\$100,000.00). The applicant shall also attach copies of any permits or authorizations from any other facilities to which it delivers septic tank waste. The applicant must sign the application verifying the truth of its contents. The permit shall be issued upon the same cycle as the city's industrial pretreatment permits and shall be valid from the date of issuance until the end of the current cycle. Renewed permits shall be valid for the two (2) year duration of the industrial pretreatment permit cycle. The fee to renew a permit shall be twenty-five dollars (\$25.00).

(3) Waste shall be accepted by the department only at such times, in such quantities and by such delivery methods as determined by the director of water and sewer.

(4) There shall be a volumetric charge for acceptance of said waste, as specified in code § 18-205. This charge must be paid in advance at the water and sewer main office, 200 West Fort Street, Manchester, Tennessee.

(5) Prior to discharge of any material, the hauler must deliver to the city a manifest containing the hauler's name, company name, physical address, phone number and permit number, the location from which the material originated, the name of the owner of those premises and the name of the person delivering same to the hauler and the phone number of such person.

(6) It shall be unlawful for any person to deliver to or discharge into the City of Manchester's wastewater treatment system any items or combination of items which contain material or amounts of materials not permitted by the City of Manchester's Pretreatment Ordinance (title 18, chapter 7), any federal, state or municipal law, regulation or rule and/or the terms of the national pollution discharge certificate applicable to the city's facility at the time of discharge.

If such material is discharged, the hauler discharging same will pay or reimburse:

(a) All of the city's costs of treatment and/or remediation to bring the material into compliance with all of the above laws, rules, regulations and permits;

(b) The cost to clean or decontaminate the city's facility;

(c) Any fines, penalties or assessments levied or assessed against the city; and

(d) A fine of up to fifty dollars (\$50.00) per gallon of non-conforming material.

The costs and fines imposed by this section shall be in addition to any fines or penalties imposed pursuant to the City of Manchester's Pretreatment Ordinance (title 18, chapter 7).

(7) The water and sewer commission may enact additional rules to govern the efficient implementation of this section to protect the city's facility and/or the integrity of the wastewater treatment system.

(8) A hauler's permit may be suspended or revoked by the director of water and sewer for violation of any provision of this section and/or rules promulgated by the water and sewer commission and/or failure to maintain insurance as required by this section. A hauler aggrieved by such action may appeal same to the water and sewer commission, whose decision shall be final.

(9) The director of water and sewer may refuse to accept or limit the amount of waste authorized to be accepted by this section if, in his opinion, the safety of the city's treatment plant and/or water supply would be jeopardized.

(10) This section does not authorize acceptance of grease nor treated waste such as that generally resulting from the use of portable toilets. (1972 Code, § 13-508, as replaced by Ord. #1452, April 2015)

18-409.--18-429. [Deleted]. (1972 Code, § 13-509, as amended by Ord. #807, Jan. 1998, and deleted by Ord. #1452, April 2015)

CHAPTER 5

CROSS CONNECTIONS AND AUXILIARY INTAKES¹

SECTION

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

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

(1) "Public water system." The waterworks system which furnishes water to the City of Manchester and surrounding area for general use and which system is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

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

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewerage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or federal agency.

(7) "Cross-connection control plan." The plan adopted by the city for the compliance of Tennessee Code Annotated, §§ 68-221-701 through 720, inclusive, which is readily available on request. (1972 Code, § 13-409(1), as amended by Ord. #807, Jan. 1998, and Ord. #1111, Aug. 2005)

18-502. Compliance. The public water system is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the systems cross-connection control plan, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1972 Code, § 13-409(2), as amended by Ord. #1111, Aug. 2005)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Director of Water and Sewer of the City of Manchester. (1972 Code, § 13-409(3), as amended by Ord. #807, Jan. 1998)

18-504. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director of Water and Sewer 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. (1972 Code, § 13-409(4))

18-505. Inspections required. It shall be the duty of the Director of the Manchester Water and Sewer Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Director of Water and Sewer of the City of Manchester and as approved

by the Tennessee Department of Environment and Conservation. (1972 Code, § 13-409(5), as amended by Ord. #807, Jan. 1998)

18-506. Right of entry for inspections. The Director of Water and Sewer or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Manchester Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1972 Code, § 13-409(6))

18-507. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Director of Water and Sewer of the City of Manchester.

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

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1972 Code, § 13-409(7))

18-508. Use of protective devices. 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; or
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system or his designated representative, that the water use and protective features of the

plumbing are such as to propose no threat to the safety or potability of the water supply; or

(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, the Director of Water and Sewer of the City of Manchester or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Director of Water and Sewer of the City of Manchester 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.

Personnel of the City of Manchester's Water and Sewer Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of Water and Sewer, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Director of Water and Sewer shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel possessing valid certification from the Tennessee Department of Environment and Conservation and who are acceptable to the Director of Water and Sewer of the City of Manchester.

The failure to maintain backflow protection device(s) in proper working order, or the removal, bypassing or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall be grounds for discontinuing water service to a premises, or a fine of fifty (\$50.00) dollars or both. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Manchester. (1972 Code, § 13-409(8), as amended by Ord. #807, Jan. 1998, and Ord. #1111, Aug. 2005)

18-509. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1972 Code, § 13-409(9))

18-510. Violations. The requirements contained herein shall apply to all premises served by the City of Manchester whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Manchester corporate limits. (1972 Code, § 13-409(10))

CHAPTER 6

MANCHESTER HEARING AUTHORITY

SECTION

- 18-601. Establishment.
- 18-602. Composition.
- 18-603. Provisions.
- 18-604. General duties.
- 18-605. Adjudicatory hearing procedures.
- 18-606. Public nuisance.
- 18-607. Director to notify user of violation.
- 18-608. Conciliation meetings.
- 18-609. Show cause hearing.
- 18-610. Citation to city court.
- 18-611. Injunctive relief.
- 18-612. Assessment of damages to users.
- 18-613. Additional remedies.
- 18-614. Emergency termination of service.
- 18-615. Report of director.
- 18-616. Penalties.

18-601. Establishment. There is hereby established an Authority of seven (7) members to be known as the "Manchester Hearing Authority." (1972 Code, § 13-701)

18-602. Composition. (1) Voting membership. The hearing authority shall be composed of the mayor and board of aldermen and shall constitute the voting members of the hearing authority.

(2) Ex-officio membership. The following representatives shall constitute the ex-officio membership of the hearing authority and shall serve a continuous term:

(a) Representative of the Areawide Waste Treatment Management Plan Policy Committee.

(b) Representative of the Tennessee Department of Public Health, Division of Water Quality Control.

(c) The Director of Water and Sewerage Services, Manchester, Coffee County, Tennessee who shall serve as Secretary of the Hearing Authority. (1972 Code, § 13-702)

18-603. Provisions. (1) The members shall serve terms respective to their elected terms of office.

(2) Members may be removed from the hearing authority by the Mayor of Manchester for continued absence from meetings, physical disability or other just cause.

(3) The chairman of the hearing authority shall be the mayor and the vice-chairman shall be the vice-mayor.

(4) Members shall comply with the charter of the City of Manchester, Tennessee.

(5) In the event of a conflict of interest involving any voting member of the hearing authority, the ex-officio member from the State of Tennessee shall temporarily replace said voting member and assume his voting status until said conflict is adjudicated. (1972 Code, § 13-703)

18-604. General duties. In addition to any other duty or responsibility otherwise conferred upon the board by this section, the authority shall have the duty and power as follows:

(1) To amend or modify the provisions of this section from time to time;

(2) To grant exceptions pursuant to the provisions of § 18-603 hereof, and to determine such issues of law and fact as are necessary to perform this duty;

(3) To hold hearings upon appeals from orders or actions of the water and sewer department director as may be provided under any provision of this chapter;

(4) To hold hearings related to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(5) To hold such other hearings relating to any aspect or matter in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this chapter;

(6) To request assistance from any officer, agent or employee of the City of Manchester to obtain such information or other assistance as the authority might need;

(7) The authority acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the authority;

(8) The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the authority;

(9) The authority shall hold regular meetings, normally one per calendar year, and such special meetings as the board may find necessary;

(10) Four (4) members of the authority shall constitute a quorum, but a lesser number may adjourn the meeting from day to day. (1972 Code, § 13-704)

18-605. Adjudicatory hearing procedures. (1) The Manchester Hearing Authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this action.

(2) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have said hearing recorded stenographically but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the authority by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the authority with the original of the transcript so that it may be certified to the court.

(3) The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of Manchester. If the witness does not reside in Manchester, the chairman shall issue a written request that the witness attend the hearing.

(4) 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 26-33 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.

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

(6) Any person aggrieved by any order or determination of the director may appeal said order or determination reviewed by the authority under the provisions of this section. A written notice of appeal shall be filed with the director and with the chairman, and said notice shall set forth with particularity the action or inaction of the director complained of and the relief sought by the person filing said appeal. A special meeting of the authority may be called by the chairman upon the filing of such appeal, and the authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal.

Provided, however, that actions and determinations of the director under the provisions of § 18-425 shall not be subject to review under this section.

(7) The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

(8) Any person aggrieved by any final order of determination of the authority hereunder shall have judicial review by common law writ of certiorari. (1972 Code, § 13-705)

18-606. Public nuisance. Discharge of wastewater in any manner in violation of this section, or of any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein. (1972 Code, § 13-706)

18-607. Director to notify user of violation. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this chapter, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequence of a wrongful or illegal discharge. (1972 Code, § 13-707)

18-608. Conciliation meetings. The director may, but shall not be required, to invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. Such additional meetings as the director and the user deem advisable may be held to resolve the problem. If the user and the director can agree to appropriate remedial and preventive measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within sixty (60) days, the director shall institute such other actions as he deems advisable to insure the user's compliance with the provisions of this chapter or other law or regulation. (1972 Code, § 13-708)

18-609. Show cause hearing. The director may issue a show issue notice to the user directing the user to appear before the Manchester Hearing Authority at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this chapter, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the user's wastewater discharge permit to establish wastewater strength limitation or other control techniques to prevent future violation, he shall notify the user of the general nature of the recommendations he shall

make to the authority. If the director seeks to suspend or revoke the user's wastewater discharge permit, he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his 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 twenty (20) days prior to the scheduled hearing date. (1972 Code, § 13-709)

18-610. Citation to city court. The director may cite the user to the City Court of Manchester for violation of any provision of this chapter or other ordinance. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter. (1972 Code, § 13-710)

18-611. Injunctive relief. Upon resolution of the Manchester Hearing Authority approving same, the director shall in the name of Manchester file in Circuit or Chancery Court of Coffee County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by Manchester as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by Manchester. (1972 Code, § 13-711)

18-612. Assessment of damages to users. When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities or any expense of whatever character or nature to Manchester, the director shall assess the expenses incurred by Manchester to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by Manchester. The director shall file a claim with the user or any other person causing or suffering said damages to incur seeking reimbursement for any and all expenses or damages suffered by Manchester. If the claim is ignored or denied, the director shall notify Manchester's attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by Manchester. (1972 Code, § 13-712)

18-613. Additional remedies. In addition to other remedies for enforcement provided herein, the director may petition the State of Tennessee or the United States, Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent

the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. (1972 Code, § 13-713)

18-614. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons, the environment, or cause interference with the POTW; the director or in his absence the person then in charge of the treatment works shall immediately notify the Mayor of Manchester of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating the same. Following consultation with the aforementioned official of Manchester or in their absence such elected officials of Manchester as may be available, the director shall terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (1972 Code, § 13-714)

18-615. Report of director. The director shall report to the authority his intent to institute any action under the provisions of §§ 18-610, 18-611 and 18-613 and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable. (1972 Code, § 13-715)

18-616. Penalties. (1) Any person who violates any provision of this chapter including but not limited to the following violations:

- (a) Violates an effluent standard or limitation;
- (b) Violates the terms or conditions of a wastewater discharge permit;
- (c) Fails to complete a filing or report requirement;
- (d) Fails to perform or properly report any required monitoring;
- (e) Violates a final order or determination of the Manchester Hearing Authority or the director; or
- (f) Fails to pay any established sewer service charge or industrial cost recovery charge shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed ten thousand dollars (\$10,000).

(2) Each separate violation shall constitute a separate offense and upon conviction each day of violation shall constitute a separate offense. (1972 Code, § 13-716)

CHAPTER 7

MANCHESTER PRETREATMENT ORDINANCE

SECTION

- 18-701. General provisions.
- 18-702. General sewer use requirements.
- 18-703. Pretreatment of wastewater.
- 18-704. Wastewater discharge permits.
- 18-705. Wastewater discharge permit issuance.
- 18-706. Reporting requirements.
- 18-707. Compliance monitoring.
- 18-708. Confidential information.
- 18-709. Publication of users in significant noncompliance.
- 18-710. Administrative enforcement remedies.
- 18-711. Judicial enforcement remedies.
- 18-712. Supplemental enforcement action.
- 18-713. Affirmative defenses to discharge violations.
- 18-714. Wastewater treatment rates [RESERVED].
- 18-715. Miscellaneous provisions.

18-701. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Manchester, Tennessee and enables the city to comply with all applicable state and federal laws, including the state pretreatment requirements (Tennessee Rule 400-40-14), the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (part 403 of title 40 of the Code of Federal Regulations (CPR)). The objectives of this ordinance are as follows:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in tile course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To provide tor fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Administration. Except as otherwise provided herein, the director of the Manchester Water and Sewer Department (director) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director may be delegated by the director to a duly authorized water and sewer department employee.

(3) Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

- (a) "BOD." Biochemical Oxygen Demand.
- (b) "BMP." Best Management Practice.
- (c) "BMR." Baseline Monitoring Report.
- (d) "CFR." Code of Federal Regulations.
- (e) "CIU." Categorical Industrial User.
- (f) "COD." Chemical Oxygen Demand.
- (g) "EPA." U.S. Environmental Protection Agency.
- (h) "Gpd." Gallons per day.
- (i) "IU." Industrial User.
- (j) "Mg/l." Milligrams per liter.
- (k) "NPDES." "National Pollutant Discharge Elimination System."
- (l) "POTW." Publicly Owned Treatment Works.
- (m) "RCRA." Resource Conservation and Recovery Act.
- (n) "SIU." Significant Industrial User.
- (o) "SNC." Significant Noncompliance.
- (p) "TSS." Total Suspended Solids.
- (q) "U.S.C." United States Code.

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

- (a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.
- (b) "Approval authority." The Tennessee Division of Water Resources Director or his/her representative(s)
- (c) "Authorized or duly authorized representative of the user."

(i) If the user is a corporation:

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

(B) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

(d) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20° C), usually expressed as a concentration (e.g., mg/l).

(e) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-702(1) and (2) [Tennessee Rule 400-40-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits

promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(g) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(h) "City." The City of Manchester, Tennessee.

(i) "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(j) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(k) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(l) "Department." The Manchester Water and Sewer Department.

(m) "Director." The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term refers to the director of the Manchester Water and Sewer Department and/or his/her duly authorized representative.

(n) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

(o) "Existing source." Any source of discharge that is not a "new source."

(p) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(q) "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any nondomestic source.

(r) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(s) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use

or disposal; or exceeds the design capacity of the treatment works or the collection system.

(t) "Local limit." Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 400-40-14-.05(1)(a) and (2).

(u) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(v) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

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

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

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

(C) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility 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.

(ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of § 18-701(4)(x)(i)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

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

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

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

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

(y) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

(aa) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(bb) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(cc) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(dd) "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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

(ff) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(gg) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-702(1) of this ordinance.

(hh) "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

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

(jj) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(kk) "Significant Industrial User (SIU)." Except as provided in §§ 18-701(1)(c)(iii) and (iv) of this section, a significant industrial user is:

(i) An industrial user subject to categorical pretreatment standards; or

(ii) An industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(C) Is designated as such by the department on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(iii) Upon a finding that a user meeting the criteria in subsection (ii) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment

standard or requirement, the department may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 400-40-14.08(6)(f), determine that such user should not be considered a significant industrial user.

(ll) "Slug load or slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-702(1) of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(mm) "Storm water." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(nn) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(oo) "User" or "industrial user." A source of indirect discharge.

(pp) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(qq) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-702. General sewer use requirements. (1) Prohibited discharge standards. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees

Fahrenheit (140° F (sixty degrees Celsius (60° C)) using the test methods specified in 40 CFR 261.21;

(ii) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three inch(es) (3") in any dimension;

(iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(v) Wastewater having a temperature greater than one hundred ten degrees Fahrenheit (110° F), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C));

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

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

(viii) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with § 18-703(4) of this ordinance;

(ix) 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 or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(xii) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water,

and unpolluted wastewater, unless specifically authorized by the director;

(xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(xiv) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;

(xv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(xvi) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(xvii) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) National categorical pretreatment standards. (a) Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405--471.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with Tennessee Rule 400-40-14-06(5).

(c) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(d) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(3) State pretreatment standards. Users must comply with Tennessee Pretreatment Standards codified at Rule 400-40-14.

(4) Local limits. (a) The director is authorized to establish local limits pursuant to Tennessee Rule 400-40-14-.05(3).

(b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Arsenic	0.0516 mg/l
Benzene	0.5682 mg/l
BOD ₅	200 lbs/day
Cadmium	0.0092 mg/l

Carbon tetrachloride	1.6384 mg/l
Chloroform	0.1659 mg/l
Chromium	5.9006 mg/l
Copper	0.2285 mg/l
Cyanide	1.0252 mg/l
Ethylbenzene	0.8549 mg/l
Lead	0.0656 mg/l
Mercury	0.0008 mg/l
Methylene chloride	0.1427 mg/l
Molybdenum	0.2167 mg/l
Naphthalene	0.0332 mg/l
Nickel	0.1912 mg/l
Oil and grease	100 mg/l
Pentachlorophenol	0.5785 mg/l
Selenium	0.0566 mg/l
Silver	1.2062 mg/l
Tetrachloroethylene	0.0132 mg/l
Toluene	0.0083 mg/l
Total phenols	0.1302 mg/l
Total phthalates	0.1014 mg/l
Total suspended solids	200 lbs/day
Trichloroethylene	0.0137 mg/l
Zinc	0.0669 mg/l
1,1,1 Trichloroethane	1.1512 mg/l
1,2 Trans dichloroethylene	1.1782 mg/l
Total Nitrogen	36.0 mg/l
Total Phosphorus	16.0 mg/l

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

(c) The director may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of § 18-702(1).

(5) Right of revision. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

(6) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when

the imposition of mass limitations is appropriate. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-703. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-702(1) of this ordinance within the time limitations specified by EPA, the state, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

(2) Additional pretreatment measures. (a) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the director, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense. The director may require that inspection and maintenance records be submitted to the department at an interval to be determined by the director.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental discharge/slug discharge control plans. The director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The director may require

any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the director of any accidental or slug discharge, as required by § 18-706(6) of this ordinance; and

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

(4) Hauled wastewater. (a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate § 18-702 of this ordinance or any other requirements established by the department. The director may require septic tank waste haulers to obtain wastewater discharge permits. This section shall not imply that the director will allow septic tank waste to be introduced into the POTW. This decision shall be at the sole discretion of the director.

- (b) The director may require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

- (c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler or waste generator to provide a waste analysis of any load prior to discharge.

- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are

RCRA hazardous wastes. The director may prohibit the disposal of RCRA hazardous wastes. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-704. Wastewater discharge permits. (1) Wastewater analysis. When requested by the director, a user must submit information on the nature and characteristics of its wastewater within a reasonable time period that is to be stipulated within the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(2) Wastewater discharge permit requirement. (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the department, except that a significant industrial user that has filed a timely application pursuant to § 18-704(3) of this ordinance may continue to discharge for the time period specified therein.

(b) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-710--18-712 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(3) Wastewater discharge permitting: existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the director for a wastewater discharge permit in accordance with § 18-704(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the director. Those users that already have a current wastewater discharge permit will not be required to reapply due to the passage of this ordinance.

(4) Wastewater discharge permitting: new connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 18-704(5) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Wastewater discharge permit application contents. All users required to obtain a wastewater discharge permit must submit a permit

application. The director may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information. (i) The name and address of the facility, including the name of the operator and owner, contact information, description of activities, facilities, and plant production processes on the premises;

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

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

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(vi) Time and duration of discharges;

(vii) The location for monitoring all wastes covered by the permit;

(viii) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 18-702(2)(b) (Tennessee Rule 400-40-14.06(5)).

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

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

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

The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-706(10) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the director or the applicable standards to determine compliance with the standard. Sampling must be performed in accordance with procedures set out in § 18-706(11) of this ordinance.

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

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

(6) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user, as defined in § 18-701(4), and contain the certification statement in § 18-706(14)(a).

(b) If the designation of an authorized representative 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 written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

(7) Wastewater discharge permit decisions. The director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-705. Wastewater discharge permit issuance. (1) Wastewater discharge permit duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater discharge permit contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water

body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the department in accordance with § 18-705(4) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards;

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

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

(vi) Requirements to control slug discharge, if determined by the director to be necessary.

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

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

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

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

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

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

(3) Permit modification. The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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

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

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

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

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

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

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 400-40-14-.13;

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

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-705(4).

(4) Wastewater discharge permit transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ten (10) days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur;
and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(5) Wastewater discharge permit revocation. The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the director of changed conditions pursuant to § 18-706(5) of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the director timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay penalties;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user.

(6) Wastewater discharge permit reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 18-704(5) of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-706. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee

Rule 400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(i) All information required in §§ 18-704(5)(a)(i), 18-704(5)(a)(ii), and 18-704(5)(b)(i) through 18-704(5)(b)(xiii).

(ii) Measurement of pollutants. The user shall provide the information required in § 18-704(5)(b)(ix)(A) through (C). The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority.

Sampling and analysis shall be performed in accordance with § 18-706(10); the director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-701(4)(c) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M)

and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-706(2) of this ordinance.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-706(14)(a) of this ordinance and signed by an authorized representative as defined in § 18-701(4)(c).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-706(1)(b)(iv) of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

(c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in §§ 18-704(5)(a) and (b) and § 18-706(1)(b)(ii) of this ordinance. For users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance

reports must be signed and certified in accordance with § 18-706(14)(a) of this ordinance. All sampling will be done in conformance with § 18-706(11).

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

(b) All periodic compliance reports must be signed and certified in accordance with § 18-706(14) of this ordinance.

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

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in § 18-706(11) of this ordinance, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-704(5) of this ordinance.

(b) The director may reissue a wastewater discharge permit under § 18-705(6) of this ordinance or modify an existing wastewater discharge permit under § 18-705(3) of this ordinance in response to changed conditions or anticipated changed conditions.

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

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

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

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

(7) Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the department as the director may require.

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

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the nature of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of

such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-706(5) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-706(1), (3) and (4) of this ordinance.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(f) This provision does not imply that any user may commence to discharge a hazardous waste without prior approval from the director. The director has the right to deny the request of any user to discharge a hazardous waste to the POTW.

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

or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA.

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

(a) Except as indicated in section (b) and (c) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. A minimum of one (1) grab sample will be allowed, except as required below.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in §§ 18-706(1) and (3) (Tennessee Rule 400-40-14-.12(2) and (4)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by § 18-706(4) (Tennessee Rule 400-40-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

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

postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-702(4)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(14) Certification statements. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-704(5); users submitting baseline monitoring reports under § 18-706(1)(b)(v); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-706(3); and users submitting periodic compliance reports required by § 18-706(4)(a)-(c). The following certification statement must be signed by an authorized representative as defined in § 18-701(4)(c);

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. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-707. Compliance monitoring. (1) Right of entry: inspection and sampling. The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

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

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced, without approval of the director. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance.

(2) Search warrants. If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the appropriate court of the City of Manchester, Tennessee. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-708. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for

inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-709. Publication of users in significant noncompliance. The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements, the term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-702;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-702 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-702 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-710. Administrative enforcement remedies. (1) Notification of violation. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within a specified number of days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director, submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Consent orders. The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 18-710(4) and (5) of this ordinance and shall be judicially enforceable.

(3) Show cause hearing. The director may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-704(6)(a) and

required by § 18-701(4)(c). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(4) Compliance orders. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Cease and desist orders. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative penalties. (a) When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may penalize such user in an amount not to exceed ten thousand dollars (\$10,000.00) per day. Such penalties shall be assessed on a per violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation.

(b) Unpaid charges and penalties may, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. The director may also roll the penalty into the user's water and sewer bill. If the penalty is rolled into the water and sewer bill and is unpaid, the termination of water and/or sewer service by the

department is a suitable remedy to address the lack of payment. A lien against the user's property shall be sought for unpaid charges or penalties.

(c) Users desiring to dispute such penalties must file a written request for the director to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

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

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in § 18-710(8) of this ordinance are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under §§ 18-710(3) or 18-710(8) of this ordinance.

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

(8) Termination of discharge. In addition to the provisions in § 18-705(5) of this ordinance, any user who violates, the following conditions is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in § 18-702 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-710(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-711. Judicial enforcement remedies. (1) Injunctive relief. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the appropriate court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

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

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

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

(3) Criminal prosecution. (a) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty of not more than ten thousand dollars (\$10,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than ten thousand dollars (\$10,000.00), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a penalty of not more than ten thousand dollars (\$10,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(d) In the event of a second conviction, a user shall be punished by a penalty of not more than ten thousand dollars (\$10,000.00) per violation, per day, or imprisonment for not more than two (2) years, or both.

(4) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-712. Supplemental enforcement action. (1) Performance bonds. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory

bond, payable to the department, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(2) Liability insurance. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) Payment of outstanding fees and penalties. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to pay any outstanding fees or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder.

(4) Water supply severance. Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(5) Public nuisances. A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the city's codes governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-713. Affirmative defenses to discharge violations. (1) Upset.

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

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

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

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

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

(iii) The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

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

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

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

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

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

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

(2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-702(1)(a) of this ordinance or the specific prohibitions in §§ 18-702(1)(b)(iii) through (xvii) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

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

(3) Bypass. (a) For the purposes of this section:

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

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

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

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

(ii) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the 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 director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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

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

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

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

(ii) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (d)(i) of this

section. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-714. Wastewater treatment rates. [RESERVED]. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-715. Miscellaneous provisions. (1) Pretreatment charges and fees. The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals;
- (e) Fees to recover administrative and legal costs (not included in § 18-715(1)(b)) associated with the enforcement activity taken by the director to address IU noncompliance; and
- (f) Carbonaceous Biochemical Oxygen Demand (CBOD) and Total Suspended Solids (TSS) surcharge fees. These fees are to be assessed for discharges of wastewaters containing more than two hundred (200) lbs/day of CBOD and/or TSS.

<u>CBOD and/or TSS Loading</u>	<u>Surcharge Fee</u>
200.1 - 225.0 lbs/day	\$1,150 / month
225.1 - 250.0 lbs/day	\$2,300 / month
250.1 lbs/day or more	\$3,450 / month

The surcharge fee shall be assessed if either the CBOD or the TSS is greater than two hundred (200) lbs/day. The surcharge shall not be doubled if both are higher, but the higher result will be used to determine the amount of the surcharge. The monthly amount CBOD and TSS discharged will be based on the average of all sample results submitted for the parameters for the month and the actual average monthly flow from the facility. The surcharge will be assessed on the monthly bill following the month of actual discharge.

(2) Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)