

TITLE 18

WATER AND SEWERS

CHAPTER

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2. SEWER USE.
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CHAPTER 1

WATER AND SEWERS

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18-101. Unlawful connections. It shall be unlawful for any person, firm or corporation to connect water or sewer lines with the city water or sewer

mains, sub-mains or laterals except in the manner hereinafter provided. (1973 Code, sec. 18-101)

18-102. Application for permits. Any person, firm or corporation desiring to connect with a city water or sewer main, submain or lateral shall first apply to the governing body of the City of New Johnsonville, Tennessee and fill out the proper application blank for such connection. Each application shall be accompanied by the fees as fixed in this chapter. All connections to city sewer and water lines shall be made under the supervision of the City of New Johnsonville, or by a contractor employed by the city. (1973 Code, sec. 18-102)

18-103. Connections and meter settings. All connections to the mains and all meter settings for use in the water connection shall be made by the city upon written application. The meter settings for the water connection shall be placed at suitable locations selected by the designated representative of the city. For such connections and meter settings the consumer or property owner at the time of making application therefor shall pay to the city the fees as set forth in this chapter. The materials used in the connection including the meter become the property of the city. (1973 Code, sec. 18-103)

18-104. Service lines. Service lines shall be installed by the consumer at the consumer's expense. All service lines shall be laid at least two (2) feet deep and not less than two (2) feet distant from an open area. No service lines shall be laid less than two (2) feet from any drain or another water service line or another sewer service line. (1983 Code, sec. 18-104)

18-105. Deposits, notices to discontinue service, etc. When the consumer desires to obtain a water tap initially or to have service reconnected upon a cessation of service for non-payment of bill he/she shall pay to the city together with the application for service connection or installation fee of \$25.00. Said amount is non-refundable and shall not be available as an offset to reduce the consumers monthly charge for water or sewerage services.

The consumer or property owner shall notify the city at the time each property becomes vacant. The consumer or property owner shall be responsible for any damage to the property of the city and for all water metered and for use of the sewerage system to such property up until receipt of such vacancy notice.

The city will presume service is being rendered from the time water is turned on at the request of the consumer until the consumer or property owner gives notice to discontinue the service and charges will be made accordingly. (Ord. # 1985-10)

18-106. Meters. At least one water meter shall be required for each dwelling, building, garage apartment, etc., regardless of its use, and the person designated as being responsible for payment of the charges, both water and

sewerage, shall be responsible to the city for all water consumed and also for the sewerage charges.

Meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind. No one other than an authorized agent of the city shall be permitted to repair, adjust, remove or replace any meter or any part thereof.

The consumer shall be responsible for damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his agent or employee or any member of his family. Such consumer will be billed for the actual cost of repair or replacement and such bill shall be paid within ten (10) days from the date of the mailing thereof. If such bill is not paid within ten (10) days the city may resort to the collection procedures provided in section 18-107. (1973 Code, sec. 18-106)

18-107. Meter reading and billing; delinquent bills. Meters will be read and the consumer billed jointly for the water and sewerage each month. All bills shall be payable at the city hall.

The city's meter reading agent or other properly authorized employee shall have access at all reasonable hours to the premises supplied with water, for the purpose of reading, inspecting, repairing or removing meters. When any consumer is delinquent for a period of one (1) month in the payment of his bill the city will shut off and discontinue service to the said consumer. (1973 Code, sec. 18-107)

18-108. Relocation of meters. If any meter is relocated on application of and to suit the convenience of the consumer or because of a change in the grade of the lot, such relocation and setting shall be made by the city at the expense of the consumer. The bill rendered to the consumer for the expense thereof shall be paid within ten (10) days from the date of mailing such bill and if not paid within ten (10) days the city may collect the bill as provided in section 18-107. (1973 Code, sec. 18-108)

18-109. Consumers not to supply water to others. Consumers shall not supply water or allow water to be carried or run through a hose or pipe to any premises other than that described in the application agreement or contract without first having received written permission from the city. (1973 Code, sec. 18-109)

18-110. Resumption of service after discontinuance for non-payment of bills, etc. If service has been discontinued for non-payment of bills or for any violation of this chapter, service to such consumer will not be resumed by the city until the unpaid bill, or bills have been paid in full and/or the violation of

any of the provisions of this chapter has ceased or been eliminated. (1973 Code, sec. 18-110)

18-111. Turn-on. Water shall not be turned into any water line for any purpose by anyone except an authorized employee of the city. Whenever water and/or sewer service has been discontinued for non-payment of any bill or because of a violation of any of the provisions of this chapter a charge of ten dollars (\$10.00) payable in advance shall be made to cover the cost of turning the water on again. In the event the meter has been pulled, then a charge of twenty-five dollars (\$25.00) shall be levied, payable in advance, prior to the reinstalling of the meter for the water user. (1973 Code, sec. 13-111, as amended by Ord. # 1981-8)

18-112. Special service. Persons, firms, or corporations desiring small amounts of water for a short time or service which will require the special attention of an employee of the city will be required to make a deposit, the amount of which will be fixed by the city clerk. For water used by such person a charge will be made at rates fixed by the city clerk in keeping with the service rendered. The deposit made shall be applied against such charge and the difference between the deposit and the charge shall be paid by the party owing the same. (1973 Code, sec. 18-112)

18-113. Cutoff and repairs. The city reserves the right to shut off the water in the mains at any time for the purpose of making repairs or extensions or for other necessary purposes. It will endeavor to give notice of such shutoff except in cases of accident or emergency. All owners and consumers having boilers on their premises are hereby cautioned against dangers arising from interrupted service. (1973 Code, sec. 18-113)

18-114. Interruptions of service. All contracts for furnishing water shall be made subject to interruptions or inability to fulfill the same for any and all causes whatsoever, and the city will not be liable for damages for any failure to furnish water. (1973 Code, sec. 13-114)

18-115. City not compelled to construct lines. The provisions of this chapter shall in no way be construed as requiring the city to construct water mains and sewer mains on streets, alleys or in private property where such mains are not already laid. (1973 Code, sec. 18-115)

18-116. Materials and installations of sewer pipes. All sewer pipes in yards, lot, etc., shall be of the best quality to insure water tight joints with the following restrictions. They shall not be laid closer than four (4) feet to any exterior wall, cellar, basement, well or cistern or less than one (1) foot six (6) inches below the surface, or when the sewer passes through a roadway or drive

then the pipes must be two (2) feet deep, and in all other cases the sewer beneath the ground must be of cast iron pipe. All sewer lines laid by property owners or their contractors must be inspected by a duly authorized representative of the city before the sewer line is covered. (1973 Code, sec. 18-116)

18-117. Joints in pipe. Joints in vitrified and concrete pipe shall be made with pure cement properly proportioned with clean sharp sand. In cast iron pipe, joints shall be made with pure lead, well caulked. Where orangeburg is used the proper connections shall be used as specified for each type of pipe to insure a water tight joint. In all cases where orangeburg is connected to iron, concrete or clay pipe only those connections shall be used as approved and recommended for this type connection. (1973 Code, sec. 18-117)

18-118. Garbage and refuse not to be thrown into sewers, etc. It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle connected with a sewer any garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, cotton, cinders or any other matter or thing whatsoever except feces, urin and the necessary paper and liquid house slops; and it is hereby made the duty of all citizens to aid the city in bringing offenders against this section to punishment and also to prevent breaches of the same. (1973 Code, sec. 18-118)

18-119. Failure to comply with chapter. Any person, firm, corporation or corporations violating any of the foregoing provisions of this chapter shall be guilty of a misdemeanor.

In addition to the fine as provided for in the general penalty clause for this code the city may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of this chapter or it may discontinue service in the event the consumer violates or fails to comply with any of the provisions of this chapter. (1973 Code, sec. 18-119)

18-120. 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 of New Johnsonville, Tennessee; 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 public water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1973 Code, sec. 18-120)

18-121. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.

18-122. Installation requirements and conveyance to city. Any person, persons, firm or corporation desiring to have water and/or sewerage service made available to a particular area or subdivision within the city limits, and to be served by the water and/or sewer systems of the City of New Johnsonville shall:

(1) Following publication by the owner(s) of the subject area or subdivision in a Waverly newspaper of due notice of intent, secure the approval of the city council for the installment, such approval, if granted, to be evidenced by a resolution passed on two (2) readings at meetings held at least fifteen (15) days apart, one (1) of which meetings shall be a regular meeting of the city council.

(2) At his own expense prepare detailed plans and specifications for the proposed distribution system and trunk lines necessary to connect to the distribution system of the city. The plans and specifications shall conform to the regulations of the city and shall provide ample sizes of water and sewer lines as may be necessary in the opinion of the city to properly serve the area or subdivision in question, and said plans and specifications shall have the written approval of the city, or its representative.

(3) At his expense, construct the distribution system and trunk lines in accordance with the specifications and in a good and workmanlike manner and furnish all materials, labor and services therefor.

(4) Furnish to the city a written statement, bearing the approval of the city engineer, that the distribution system and trunk lines have been installed according to the city's specifications.

(5) Furnish, to the city, evidence that all bills and charges for labor, materials and other services used in the construction have been paid.

(6) Make no tapping or connection charge to the city or any other person taking service from the system.

(7) Upon receipt of the written statement from the city engineer, provided for herein, transfer and convey the distribution system and/or trunk lines to the city by warranty deed or bill of sale properly acknowledged before a notary public free from all liens or charges of every kind. Such conveyance shall be accepted by the city only after entering into a written contract upon terms and conditions and for the consideration hereinafter provided. (Ord. # 1978-4)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

18-123. Connection with the city system and execution of agreement.

Upon execution and delivery of the conveyance provided herein the city shall:

(1) Permit the distribution system and/or trunk lines to be connected to the city's water and/or sewerage system and furnish all water and/or sewerage service to each customer desiring to be serviced by said distribution system and/or trunk lines after the installation of a city owned water meter for each service.

(2) Charge for water and/or sewerage service at the rates being charged other customers in similar locations.

(3) Execute a written agreement with the owner of said water and/or sewer system to reimburse said owner for his actual construction costs as provided in section 18-124. Such agreement will be signed by the mayor on behalf of the city and by the owner, his representatives or assigns.

(4)(a) The basis to be used for computing the owner's cost shall be the actual costs of labor and materials dispersed in making the installation but no costs of service lines to customer premises or interest costs shall be included.

(b) The cost basis shall be comparable and in line with the usual average costs for similar installations.

(c) The mayor, or any committees of the city council, or any councilman, may require detailed proof of the cost basis submitted by the owner. (Ord. # 1978-4)

18-124. Method for reimbursement of developer. The method of reimbursement for the owner's investment in the distribution system and/or trunk lines shall be as follows:

(1) Beginning not more than one (1) year after the execution of the above agreement the city will pay to the owner of said system on a semi-annual basis sixty percent (60%) of the gross revenue received from customers connected to the water and/or sewerage system, said payment to continue for a period of ten years. Provided, however, in no case shall payments be made which exceed seventy-five percent (75%) of the total cost of said distribution system.

(2) Larger lines. After approval or tentative approval of the plans and specifications by the city, should it be to the interest of the city and should the city direct a water line larger than four (4) inches or a sewer line larger than eight (8) inches be installed in a trunk line or distribution system the city will pay the owner the difference in cost between a four (4) inch water line or an eight (8) inch sewer line and lines of larger sizes. However, if the project itself in accordance with the plans and specifications required larger lines to properly serve the area or subdivision in question, then the city will not pay the owner the difference in cost and the same shall be treated on the same basis as hereinabove stated in section 18-123. If this section is applicable the owner shall be entitled to this difference in cost on a one hundred percent (100%) basis

which shall be noted in the contract between the city and the owner. Payment for this difference shall be separate and apart from the other reimbursement provisions of the contract. The payment of this difference shall be made by the city to the owner within twelve (12) months after installation is completed and is not to bear interest. The provisions of this paragraph as aforesaid shall not apply in any case where the area or subdivision in question is of such size as to require for its own service water lines larger than four (4) inches and sewer lines larger than eight (8) inches.

(3) Small lines. No reimbursement shall be made for lines smaller than four (4) inches in any distribution system unless such lines have been approved by the city engineer prior to their installation. (Ord. # 1978-4)

18-125. Areas served outside city. The city shall be under no obligation to enter into any contracts with or without reimbursement for any water or sewerage systems outside the city limits but it shall have the right, if approved by the council, to enter into any special contract for outside city services. (Ord. # 1978-4)

CHAPTER 2

SEWER USE

SECTION

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- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Prohibitions on wastewater discharges.
- 18-206. Limitation of wastewater discharges.
- 18-207. Control of prohibited wastes.
- 18-208. Wastewater sampling and analysis.
- 18-209. Industrial self-monitoring requirements.
- 18-210. Protection from damage.
- 18-211. Enforcement procedures.
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- 18-213. User charge.
- 18-214. Sewer rate schedule.
- 18-215. Industrial waste surcharge.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(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 of the Division of Water Pollution Control, Tennessee Department of Health and Environment, or the Administrator of the Environmental Protection Agency.

(3) "Approving authority." The city council of New Johnsonville or any authorized representative designated by the mayor.

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

(5) "BOD" of sewage of industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association.

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

(7) "Categorical standards." The National Pretreatment Standards.

(8) "City." The City of New Johnsonville, Tennessee, the mayor, the city council, the city recorder, the wastewater treatment plant superintendent, or their duly authorized representative.

(9) "Combined sewer." A sewer receiving both surface runoff and sewage.

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

(11) "Control authority." The "approval authority," defined hereinabove, or the superintendent if the city has an approved pretreatment program under the provision of 40 CFR 403.11.

(12) "Conventional pollutants." Those pollutants normally found.

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

(14) "C" Centigrade degrees.

(15) "Customer." Any individual, firm, company, association, society, corporation, or group who are the beneficiaries of the water and sewerage services or who are utilizing the water and/or sewerage system of the City of New Johnsonville.

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

(17) "EPA" The United States Environmental Protection Agency.

(18) "Garbage." Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(19) "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.

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

(21) "Incompatible waste." All pollutants other than compatible waste as defined within.

(22) "Indirect discharge." The discharge or the introduction of non-domestic 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) for treatment before direct discharge to the waters of the state.

(23) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to Section 402 of the Act.

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

(25) "Industrial wastewater" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

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

(27) "May" is permission; "shall" is mandatory.

(28) "Meter measurement" The act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the approving authority.

(29) "Mg/l" Milligrams per liter.

(30) "Monitoring." Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the city to enforce industrial pretreatment regulations.

(31) "National pretreatment standards or pretreatment standards." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to the industrial users.

(32) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(33) "New source." Any source whose construction is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such source, if such standard if thereafter published within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any whose construction is commenced after the date of promulgation of the standard.

(34) "NPDES permit." The National Pollutant Discharge Elimination System as defined in section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(35) "Pass through." Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

(36) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or the legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(37) "Ph" The negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

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

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

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

(41) "Priority pollutants." Any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

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

(43) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(44) "Publicly owned treatment works" or "POTW" shall mean a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of New Johnsonville. This definition includes any sewer that conveys wastewater to such treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. 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.

(45) "Receiving stream." The natural stream or watercourse that accepts the discharge from the Sewage Treatment Plant.

(46) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(47) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(48) "Sewer." A pipe or conduit that carries wastewater or drainage water.

(49) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of New Johnsonville for sewage disposal purposes.

(50) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(51) "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.

(52) "Standard methods." "Standards Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

(53) "State." The State of Tennessee.

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

(55) "Superintendent." The person designated by the mayor to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(56) "Suspended solids." Solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater" published by the American Public Health Association.

(57) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator or the Environmental Protection Agency under the provision of 33 USC 1317.

(58) "Treatment works." Any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extension, improvements, remodeling, additions and alterations thereof;

elements essential to provide reliable recycle supply such as stand-by treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.

(59) "Unpolluted water." Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

(61) "User." Any person discharging wastes to the City of New Johnsonville Sewerage Facilities.

(62) "Waste." Shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(63) "Wastewater." Domestic sewage and industrial wastewater discharged to the City of New Johnsonville Sewerage Facilities together with any groundwater, surface water, and stormwater that may be present.

Terms not otherwise described herein shall be as adopted in the latest edition of Standard Methods or other appropriate Federal Guidelines and Regulations.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutants Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total Suspended Solids
USC	United States Code

(Ord. # 1988-4)

18-202. Use of public sewers required. (1) Unlawful to deposit unsanitary matter. 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 New Johnsonville or in any area under the jurisdiction of said city, and human or animal excrement, garbage, or other objectionable waste.

(2) Unlawful to discharge to natural outlet. It shall be unlawful to discharge to any natural outlet within the City of New Johnsonville, or 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) Unlawful to construct privy. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) Suitable toilet facilities to be installed. 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 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.

(5) Connection to city sewer required. Any person within the jurisdiction of the city council of New Johnsonville shall be required to connect to the city's sanitary sewer, except in specific cases where the approving authority may determine that service to a potential individual user is unduly difficult or expensive and that alternative measures will not be hazardous to public health.

(6) Connections may be made only by authorized agents. Direct service connections made to the city's sanitary sewer system shall be made only by duly authorized and approved agents of the city.

(7) Trucks not to deposit into POTW. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received an appropriate permit or written approval from the wastewater superintendent or his designated representative. All applicants for a permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provision of this chapter and any special conditions or regulations established by the superintendent. Such permits shall be valid for a period of one (1) year from the date of issuance provided that such permit shall be subject to revocation by the superintendent

for violation of any provision of this chapter or reasonable regulation established by the Superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The Superintendent shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line, or appurtenance thereto. The owner of a Permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(8) Permit required for holding tank discharge. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. # 1988-4)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (Ord. # 1988-4)

18-204. Building sewers and connections. (1) Permit required. 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 approving authority. 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 approving authority.

(2) Permit classification. There shall be two (2) classes of building permits:

- (a) For residential and commercial service, or 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 judgement of the superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential, commercial or industrial building sewer permit shall be paid to the city at the time the application is filed.

(3) Cost to be paid by owner. 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) Must have separate permit. A separate and independent building sewer shall be provided for every building. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) Other requirements. The size, slope, depth, alignment, materials of construction, of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the 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.

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

(7) Connection to surface run-off prohibited. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the approving authority for purpose of disposal of polluted surface drainage.

(8) Building sewer to conform to other regulations. The connection of the building sewer into the public sewer shall conform to the specifications 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.

(9) Connections gastight and watertight. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

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

(11) Excavations to be guarded. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public property disturbed in the course of the work which shall be restored in a manner satisfactory to the city.

(12) Grease trap required. All cafes, restaurants, hotels, or food preparation establishments, shall install a grease trap on the kitchen waste line. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be cleaned periodically by the owner or operator of the facility. Failure to make periodic cleanings which results in a stoppage of the city sewer system shall constitute a misdemeanor. If the city employees are required to clean out the city sewer lines as a result of a stoppage due to a clogged grease trap, the property owner or operator shall be further required to pay the costs of the city labor and materials required to clean out the sewer lines. All existing cafes, restaurants, hotels, or food preparation establishments shall be required to construct a grease trap within 90 days after notification by the city, at the owner's expense. If and when the approving authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the city sewer system. The city shall retain the right to inspect and approve installation of the grease trap facility.

(13) Cut permit, adjacent areas, etc. Any work done in the street right-of-way will be covered by city street cut permit. Sewer service shall be provided to adjacent unincorporated areas at the discretion of the city council of New Johnsonville officials. (Ord. # 1988-4)

18-205. Prohibitions on wastewater discharges. No person shall discharge or cause to allow to be discharged into the City of New Johnsonville sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(1) Oils and Grease - Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the system.

(2) Abnormal industrial wastes - Any industrial waste having a biochemical oxygen demand (BOD), suspended solids (SS), or grease content in the excess of that normally found in municipal sewage. For the purposes of this chapter, any waste containing more than 300 mg/l of BOD, and/or having a SS content in excess of 300 mg/l, and/or a grease content in excess of 100 mg/l, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

(3) Explosive mixtures - Liquids, solids, or gases which by reason of their nature of quantity are, or may be sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over 10 percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(4) Noxious material - Noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(5) Improperly shredded garbage - Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(6) Corrosive wastes - Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of (6) to (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(7) Thermal discharge - Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees centigrade (104°F). Unless a high temperature is allowed in the users wastewater discharge permit, no user shall discharge in any sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.5°C (150°F). (Ord. # 1988-4)

18-206. Limitation on wastewater discharges. (1) It is prohibited to discharge or convey to the public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Not be amenable to treatment or will interfere with the sewage plant operations and/or disposal or use of municipal sludge.

(b) Constitute a hazard to human or animal life as a result of the pollutant passing through the plant to the atmosphere, or to the stream or water course receiving the treatment plant effluent.

(c) Violate the federal pretreatment standards.

(d) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Health and Environment Permit, or other applicable receiving water standards.

(2) If the wastewater influent to the treatment plant contains pollutants in excess of the following concentrations, or if the wastes produced create adverse effects, interfere with any wastewater treatment or collection processes, create any hazard in receiving waters or results in the city being in

violation of applicable effluent standards, the city council shall establish industrial wastewater effluent limits as deemed necessary. Furthermore, the city council shall have the authority to add to the list any pollutant as deemed necessary.

Parameter	Maximum Concentration mg/1 (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/1) Grab Sample
Arsenic (As)	0.1	0.2
Cadmium (Cd)	0.01	0.02
Chromium-Total (Cr)	3.0	6.0
Chromium (Hexavalent)	1.0	1.5
Cooper (Cu)	1.0	2.0
Cyanide (CN)	0.05	0.1
Iron (Fe)	5.0	10.0
Lead (Pb)	0.10	0.2
Mercury (Hg)	0.05	0.1
Nickel (Ni)	1.0	2.0
Phenols	10.0	20.0
Zinc (Zn)	2.0	4.0
Methylene Chloride	*	
Trichloroethylene	*	
Total Kjeldahl		
Nitrogen (TKN)	45.0	90.0
Oil & Grease	25.0	50.0
BOD	**	
Suspended Solids	**	
Temperature		104°F (40°C)
Settable Solids		
Dissolved Oxygen		
Flow rates		

* Awaiting Water Quality Standards from Tennessee Dept. of Health and Environment, Division of Water Quality Control.

** Not to exceed the design capacity of the POTW. (Ord. # 1988-4)

18-207. Control of prohibited wastes. (1) Regulatory actions. If wastewaters containing any substance in excess concentrations as described in this chapter are discharged or proposed to be discharged into the sewer system of the City of New Johnsonville or to any sewer system tributary thereto, the city shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the city.

(c) Require pretreatment including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of New Johnsonville, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the approving authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of the approving authority.

(3) Pretreatment facilities operation. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the approving authority so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the approving authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the accidental discharge.

(5) Rights reserved. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 18-201.

(6) Increase in use of process water prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (Ord. # 1988-4)

18-208. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the preceding standards in sections 18-205 and 18-206 are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmosphere Analysis" published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the city council and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the approving authority.

(2) Control manhole. When required by the approving authority, the owner any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the approving authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. # 1988-4)

18-209. Industrial self-monitoring requirements. In order to effectively administer and enforce the provisions of these regulations, the approving authority may ask any discharger to comply with any or all of the following requirements.

(1) Discharge reports. The approving authority may require discharge reports, including but not limited to, questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. These discharge reports must be retained by the industry and be available to either the city, state or federal agencies upon request.

(2) Monitoring programs. The approving authority may require of users such technical or monitoring programs, including submission of periodic reports, at a minimum of two times a year more frequent if the situation warrants. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the City of New Johnsonville.

The monitoring program shall require the discharges to conduct a sampling and analysis program of a frequency and type specified by the

approving authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger, may either:

- (a) Conduct his own sampling and analysis program provided he demonstrates to the approving authority that he has the necessary qualifications and facilities to perform the work; or
- (b) Engage a private laboratory, approved by the approving authority.

Should an industry be found in violation of the discharge limits, the approving authority has the right to set up sampling and/or metering devices on the industry's property. If an analysis by the approving authority confirms a violation of the discharge permit, the industry shall be financially responsible and shall pay all damages including sampling and analytical costs.

(3) Trade secrets. When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, or other document, shall be available for use by the city or the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. (Ord. # 1988-4)

18-210. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a party of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. # 1988-4)

18-211. Enforcement procedures. (1) Notification of violation - Any person found to be violating any provision of this chapter except section 18-210 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Penalties. Any person who shall continue any violation beyond the time limit provided for in section 18-211(1) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The city reserves the legal authority to disconnect the sewer service of any habitual violator of this chapter when such action appears reasonably necessary.

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

(4) Injunctive relief. In addition to the penalties provided in the foregoing section, wherever a person violates any provision of this chapter or fails to comply with any order of the city, the city, acting through the mayor, may apply to the court of the county for the issuance of an injunction restraining the person violating the chapter or failing to comply with the order, from making any further discharges into the sewerage facilities under the jurisdiction of the City of New Johnsonville. (Ord. # 1988-4)

18-212. Permits. (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a Wastewater Discharge Permit from the city council before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a Wastewater Discharge Permit within 90 days after notice from the city.

(2) All person within the city's area of jurisdiction, who intend to provide septic tanks for sewage disposal, shall make written request to the city council for a septic tank permit. Upon receipt of the written request, the approving authority shall determine whether the applicant is unable to connect to the city's system; if so, the permit may be granted, conditioned upon approval by the Tennessee Department of Health and Environment and proper installation. The city shall retain the right to inspect and approve installation of the septic tank.

(3) Permit application: Industrial users seeking a Wastewater Discharge Permit shall complete and file with the city council an application in the form prescribed by the city council, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to, those mentioned in section 18-205 as determined by a laboratory approved by the approving authority;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each produce produced by type, amount and rate of production;

- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Health and Environment and Environmental Protection Agency permits required; and
- (k) Any other information as may be deemed by the approving authority to be necessary to evaluate the permit application.

The city council will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city council may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(4) Permit conditions: Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations.

Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Pretreatment requirements;
- (f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the city council and, affording the city access thereto; and
- (i) Other conditions as deemed appropriate by the city council to insure compliance with this chapter.

(5) Duration of permits: Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the superintendent 60 days prior to expiration of the permit, the permit, shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the superintendent during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes

or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) **Transfer of a permit:** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation.

(7) **Revocation of permit:** Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations shall be subject to having his permit revoked:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspections or monitoring; or

(d) Violation of conditions of the permit. (Ord. # 1988-4)

18-213. User charge. (1) User charge shall be the charge levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The city council of the sewerage facilities shall review not less often than every two years, the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The approving authority shall revise the user charge, if necessary, to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities.

(5) All flow to the sewerage facilities not directly attributable to the users (i.e. infiltration/inflow) shall be distributed among all user of the sewerage facilities based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities. (Ord. # 1988-4)

18-214. Sewer rate schedule. The following sewer rate schedule shall apply to each user of the sewerage facilities. This schedule includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

SEWER RATE SCHEDULE

<u>Consumption</u>	<u>Rate Per Thousand Gallons</u>
First 2,000 Gallons	\$4.00 (Minimum)
Next 3,000 Gallons	\$1.15/1,000 Gallons
Next 15,000 Gallons	\$0.60/1,000 Gallons
Over 20,000 Gallons	\$0.50/1,000 Gallons

(Ord. # 1988-4)

18-215. Industrial waste surcharge. In the event the city council waives a user from the requirements of section 18-205 and the user discharges abnormal industrial wastes to the sewerage facilities having an average Biochemical Oxygen Demand (BOD) content in excess of 300 mg/l, and/or an average Suspended Solids (SS) content in excess of 100 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes. (Ord. # 1988-4)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

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

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether 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 supply 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 sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

¹Municipal code reference
Plumbing and related codes: title 12.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. # 1981-9, modified)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, sections 68-13-701 and 68-13-719 as well as the Rules and Regulations for Public Water Supplies, 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. (Ord. # 1981-9, modified)

18-303. 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 Health and Environment and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of Public Works of the New Johnsonville Water Supply. (Ord. # 1981-9, modified)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of Public Works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. # 1981-9, modified)

18-305. Inspections required. It shall be the duty of the Superintendent of Public Works 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 Superintendent of Public Works of the New Johnsonville Public Water Supply and as approved by the Tennessee Department of Health and Environment. (Ord. # 1981-9, modified)

18-306. Right of entry for inspections. The Superintendent of Public Works or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply 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. (Ord. # 1981-9, modified)

18-307. 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 Superintendent of Public Works of the New Johnsonville Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, section 68-13-711, within a reasonable time and within the time limits set by the New Johnsonville Public Water Supply 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 supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. # 1981-9, modified)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (a) impractical to provide an effective air-gap separation, (b) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge, 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, (c) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, (d) there is a likelihood that protective measures may be subverted, altered, or disconnected, the Superintendent of Public Works 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 Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of Public Works prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Superintendent of Public Works 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 Superintendent of Public Works 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 supply 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 acceptable to the Superintendent of Public Works.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the New Johnsonville Public Water Supply. (Ord. # 1981-9, modified)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. # 1981-9, modified)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (Ord. # 1981-9, modified)

CHAPTER 4

USER CHARGE SYSTEM

SECTION

- 18-401. Annual review and notification.
- 18-402. Charges for operation and maintenance.
- 18-403. Classification of users.
- 18-404. Determination of costs.
- 18-405. Surcharge fees.
- 18-406. Use of revenue from wastewater facilities.
- 18-407. Charges and fees.

18-401. Annual review and notification. The city will review annually the wastewater contribution of users, user classes, the total cost of operation and maintenance of the treatment works and collection system, and its approved user charge system. As necessary, the city will revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes.
- (2) Generate sufficient revenue to pay operation and maintenance costs necessary for the proper operation of the collection system and the treatment works.
- (3) Apply excess revenues collected, if any, from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

As necessary and as applicable, each user will be notified annually in conjunction with a regular bill of the rate and that portion of the user charge that is attributable to wastewater collection system and treatment services. (Ord. # 1990-11)

18-402. Charges for operation and maintenance. The cost of operation and maintenance for all flows, such as extraneous flows, infiltration/inflow (I/I) or unmetered water, user or users shall be distributed among all users based on the flow volume of the user. Flow volume of the user shall be determined by water meter records of usage unless the user elects to install at its own expense a sewer flow meter. The flow meter shall meet the city's approval prior to installation of the meter. Maintenance of such meter shall be the sole responsibility of the user. (Ord. # 1990-11)

18-403. Classification of users. Users of the city's wastewater system shall be classified into two general classes or categories depending on the user contribution of wastewater loads, each class being identified as follows:

(1) Class I: Those users whose average biochemical oxygen demand (B.O.D.) is two hundred milligrams per liter (200 mg/l) by weight or less, and whose suspended solids (S.S.) is two hundred milligrams per liter concentration (200 mg/l) by weight or less.

(2) Class II: Those users whose average biochemical oxygen demand exceed two hundred milligrams per liter concentration (200 mg/l) by weight and whose suspended solids, exceeds two hundred milligrams per liter concentration (200 mg/l) by weight. (Ord. # 1990-11)

18-404. Determination of costs. The city commission shall from time to time, establish monthly rates and charges for the use of wastewater system. Said charges shall be based on the categories of administration costs, including billing and accounting costs, operation and maintenance costs, replacement or rehabilitation costs, and debt service costs of the wastewater collection and treatment facilities.

(1) All users who fall under Class I shall pay a unit charge expressed as dollars per 1000 gallons of water purchased (\$/1000 gal.) and a charge in proportion to the size of water meter serving the user, with the unit charge being determined in accordance,with the following formula:

$$Cu = \frac{Rt - Rm}{Vt - Vm}$$

Where:

Cu = Unit cost for Class I users in dollars per 1000 gallons.

Rt = Total revenue required for total operation and maintenance, debt services, etc., determined by yearly budget projections.

Rm = Revenue from all sizes of water meters for usage of 2000 gallons per month and minimum bills for usage of 2000 gallons or less per month expressed in dollars per year.

Vt = Total volume of wastewater used from all users expressed in cubic feet per year.

Vm = Volume of wastewater from-users of 2000 gallons per month and from users of less than 2000 gallons per month.

(2) The rates as set forth above are recorded in chapter 8 of the New Johnsonville Municipal Code as amended.

(3) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased and those meter

charges in proportion to meter size as for the Class I users; and in addition, shall pay a surcharge rate but not limited to the excessive amounts, of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

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

(5) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in section 18-403(1) above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time. (Ord. # 1990-11)

18-405. Surcharge fees. If it is determined by the mayor and city council or his designee that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (Ord. # 1990-11)

18-406. Use of revenue from wastewater facilities. Any revenue, derived from the sale of by-products of the treatment process lease or sale of crops grown on land purchased or owned, used by and for the wastewater facilities, shall be used to offset the costs of operation and maintenance. These revenues shall be applied proportionately to all user charges. (Ord. # 1990-11)

18-407. Charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of New Johnsonville, Tennessee, which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the City of New Johnsonville, Tennessee. These charges and fees shall be recovered through the user classification established below.

(2) Classification of user. All users shall be classified by the mayor either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and sewer fees. The charges and fees as established in treatment works schedule of charges and fees, may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by user;
- (c) Fees for permit applications;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;
- (g) Fees for holding tank wastes.

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

BOD ₅	200 milligrams per liter
COD	400 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	200 milligrams per liter
Fats, Oil & Grease	100 milligrams per liter

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

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH, as H, chlorine demand, and volume.

(5) User charges. Each user shall be levied, a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of "normal wastewater."

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation and maintenance (O&M) including replacement for handling its periodic volume of "normal wastewater."

(6) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

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

Where:

C_u	=	User's charge for O&M per unit of time.
C_t	=	Total O&M cost per unit of time.
V_t	=	Total volume contribution from all users per unit of time.
V_u	=	Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(7) Surcharges. The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in "normal wastewater" including "toxic wastes." The amount of the surcharge shall be determined by the following formula:

$$C_u = [(B_c \times B) + (S_c \times S) + (P_u \times P)]V_u$$

Where:

- Cs = Surcharge for wastewaters exceeding the strength or "normal wastewater" expressed in dollars per billing period.
- Bc = O&M cost for treatment of a unit of BOD₅ from a user above the based level of 1.67 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
- SC = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.
- S = Concentration of suspended solids from a user above the base level of 1.67 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
- Pu = O&M cost for treatment of a unit of any pollutant which the publicly-owned treatment work is committed to treat by virtue of an NPDES permit, or other regulatory requirement expressed in dollars per pound.
- P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the mayor.
- Vu = Volume contribution of a user per billing period (expressed in thousands of gallons).

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

(8) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(9) Biennial review of operation and maintenance charges. The City of New Johnsonville, Tennessee shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall review the charges for users or user classes to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. # 1990-11)