

TITLE 18

WATER AND WASTEWATERS

CHAPTER

1. SPRINGFIELD WATER AND WASTEWATER DEPARTMENT.
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CHAPTER 1

SPRINGFIELD WATER AND WASTEWATER DEPARTMENT

SECTION

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- 18-102. Collecting and accounting for revenues.
- 18-103. Allocation of operating expenses.
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- 18-105. Wastewater and water service charges to be collected together.

18-101. Consolidation of systems. The Springfield Water system and the Springfield Wastewater Department are hereby consolidated into one department designated as the "Springfield Water and Wastewater Department." (1981 code, § 13-101)

18-102. Collecting and accounting for revenues. The revenue from water service and the revenue from wastewater service shall be collected concurrently. The revenues from water services and the revenues from wastewater services shall be kept in segregated accounts, and separate books kept thereon. (1981 code, § 13-102)

18-103. Allocation of operating expenses. All operating expenses of the Springfield Water and Wastewater Department shall be equitably and accurately allocated between the two divisions of said department, the expenses thereof properly allocable to the water division being allocated to that division and the expenses properly allocable to the wastewater division being allocated to that division. (1981 code, § 13-103)

18-104. Disposition of revenue. All revenues for water services shall be kept intact to the end that the same shall be punctually applied to the payment and retirement of water department bonds heretofore issued and for which said revenues have heretofore been pledged and in a like manner the revenues for wastewater services shall be punctually applied to the payment and retirement

of wastewater department bonds heretofore issued and for which said revenues have heretofore been pledged by separate ordinances. (1981 code, § 13-104)

18-105. Wastewater and water service charges to be collected together. It is the declared intention that bills for water and wastewater services shall be billed, collected and enforced together, so that when any bill has remained unpaid and become delinquent or any installment due on tapping charges has become delinquent the water service to the delinquent premises can be and will be discontinued and will not be reinstated until the entire bill for both water and wastewater service is paid in full or approved arrangement made with the city. (1981 code, § 13-110)

## CHAPTER 2

WATER

## SECTION

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18-201. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1981 code, § 13-201)

18-202. Definitions. (1) "A.W.W.A." means the American Water Works Association.

(2) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(3) "Department" means the City of Springfield Water and Wastewater Department.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

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

(6) "Household" means any person or persons living in a residential dwelling.

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

(8) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box. (1981 code, § 13-202, modified)

18-203. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1981 code, § 13-203)

18-204. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1981 code, § 13-204)

18-205. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1981 code, § 13-205)

18-206. Connection charges; responsibility for service lines. Connection charges shall be made and collected in accordance with such schedule as the Board of Mayor and Aldermen may from time to time prescribe.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box, including the connection to the meter set, shall belong to and be the responsibility of the customer. (1981 code, § 13-206, modified)

18-207. Water main extensions. The design, materials and construction methods for all water main extensions shall be in accordance with the City of Springfield's water system specifications. All water main extensions shall be in conformance with the following policies:

(1) Main extensions of 500 feet or less to developed areas. The provisions of this subsection shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This subsection shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this subsection applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly water bills shall have been assumed by other persons acceptable to the municipality at which time prorated amounts of the cash deposit shall also be returned to the depositors.

(2) Main extensions to other areas. The provisions of this subsection shall apply to all areas to which the preceding subsection is not applicable.

(a) Any person desiring to have a water main extended to his or her property shall provide a written petition for the construction of the project to the water and wastewater department. Within ten (10) days of receipt of the petition, the water and wastewater department shall complete a preliminary evaluation and cost estimate of the proposed extension project and shall notify the petitioner(s) or designated representative(s) of the results.

All proposed extension projects shall meet the following criteria:

(i) The number of petitioners per one thousand (1,000) feet of main extension shall be equal to or greater than six (6).

(ii) The total cost does not exceed twenty dollars (\$20.00) per foot.

(iii) There is adequate line or system capacity from the point of connection to the existing system.

(iv) The extension is judged to be operationally feasible.

(b) Should the proposed extension project not meet the criteria set forth in subsections (2)(a)(i) or (2)(a)(ii), the board of mayor and aldermen may, at their discretion, authorize a project if the petitioner(s) agrees to meet any of the following additional criteria:

(i) Make an additional cost contribution at a specified amount per petitioner.

(ii) Contribute labor, equipment, and/or material to offset the cost.

(iii) Enter into an agreement with the water and wastewater department to privately construct the line extension to departmental specifications and, upon completion, dedicate the extension to the city.

(c) After the necessary criteria have been met, the water and wastewater department shall design and construct the line extension.

(d) Any easements or rights-of-way which must be obtained to construct the line extension shall be furnished or paid for by the petitioner(s).

(e) The petitioner(s) shall agree to pay the full cost of the line extension. Upon execution of an agreement with the city, and prior to construction, the petitioner(s) shall pay fifty percent (50%) of the estimated project cost to the city. The balance of the project cost, plus connection fees, shall be paid to the city by the petitioner(s) upon the completion of construction.

(f) Any property owner, other than an original petitioner, who subsequently applies to be served by the line extension within three (3) years of the date that the line is placed into service, shall pay additional tap fees, to be used to reimburse the petitioner(s), according to the following schedule:

(i) First subsequent applicant. Thirty percent (30%) of the original cost.

(ii) Second subsequent applicant. Twenty-five percent (25%) of the original cost.

(iii) Third subsequent applicant. Twenty percent (20%) of the original cost.

(g) If a subsequent property owner proposes to use the line extension financed by the petitioner(s) for multiple connections, the subsequent property owner shall be required to pay his or her appropriate share of the remaining balance of the reimbursement costs described above for each single family equivalent dwelling unit. In no event shall the subsequent property owner pay an amount that would result in reimbursement to the petitioners of more than seventy-five percent (75%)

of the original cost, with the exception that a subsequent property owner having more than three equivalent single family connections shall be required to pay additional tap fees to cover any of the remaining balance that would provide for one hundred percent (100%) reimbursement of the original cost of the line extension project.

(h) Additional tap fees paid to the city in accordance with subsection (2)(f) shall be distributed to the petitioner(s) by the city. The overall cost recovery shall be limited to seventy-five percent (75%) of the line extension cost for individual connections or one hundred percent (100%) of the line extension cost in situations that involve a subsequent property owner who shall require more than three connections. (1981 code, § 13-207, as replaced by Ord. #96-36, § 1, July 1996; replaced by Ord. #98-23, June, 1998)

18-208. Construction fees. The city may construct a water system extension project and charge a construction fee as a condition of connection to the water system in order to recover some or all costs related to the project. A construction fee shall be levied under the following guidelines.

(1) The costs of system improvements shall be established by the total costs of construction.

(2) Each specific system extension project shall have a separate cost of construction calculated for it.

(3) The fee to connect to a city financed line extension project shall be determined by the number of proposed equivalent single family connections (PESFC) to be served in a development divided by the total allowed equivalent single family connection capacity (AESFCC) of the line multiplied by the actual construction cost of the system extension.

Fee = PESFC/AESFCC x Total Construction Costs

(4) All construction fees collected shall be deposited into an escrow fund to pay for the actual construction cost of the water system extension project.

(5) The actual construction cost shall include costs for engineering, right-of-way acquisition, permits, construction and inspection and may include, at the discretion of the board of mayor and aldermen, interest on debt service to repay bonds or loans issued to construct the water system extension project.

(6) The construction fee is to help recover the costs for system extension only. Should the city be required to construct a service connection, the normal service connection fee for water service then in effect shall be charged in addition to the construction fee.

(7) The construction fee for each completed project shall be established by the board of mayor and aldermen by ordinance.

(8) Payment of the construction fee to the city shall be due when connection to the city's water system is requested. (1981 code, § 13-208, modified, as replaced by Ord. #96-36, § 1, July 1996)

18-209. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with sections 18-207 and 18-208, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water main extensions under sections 18-207 and 18-208 is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1981 code, § 13-209, modified)

18-210. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1981 code, § 13-210)

18-211. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall conform to the current A.W.W.A. standards for that particular size and type of water meter.

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge as prescribed by the Board of Mayor and Aldermen.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1981 code, § 13-211, modified)

18-212. Schedule of rates. All water furnished by the municipality shall be charged for in accordance with such rate schedules as the Board of Mayor and Aldermen may from time to time prescribe. (1981 code, § 13-212)

18-213. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall



be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1981 code, § 13-213)

18-214. Billing. Bills will be rendered monthly and shall be at the location designated by the provider. Failure to receive a bill will not release the customer from payment obligation. Should bills not be paid by the due date specified on the bill, the provider may at any time thereafter, upon five (5) days' written notice to the customer, discontinue service. Bills paid after the due date specified on the bill may be subject to additional charges. Should the due date of bill fall on a Saturday, Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears United States Postal Service date stamp of the due date or any date prior thereto. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if service is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

18-215. Discontinuance or refusal of service by distributor. The provider may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of the customer or contract with the customer. The provider may discontinue service to a customer for the theft of service or the appearance of service theft devices on the premises of the customer. The discontinuance of service by the provider for any cause as stated in this rule does not release the customer from his obligation to the provider for the payment of minimum bills as specified in the application of the customer or the contract with the customer.

18-216. Connection, reconnection, and disconnection charges. The provider may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours, or when special circumstances warrant. (1981 code, § 13-217, modified)

18-217. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least one (1) day notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

18-218. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1981 code, § 13-218)

18-219. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1981 code, § 13-219)

18-220. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1981 code, § 13-220)

18-221. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1981 code, § 13-221)

18-222. Supply and resale of water. All water shall be supplied within the municipality's service area exclusively by the municipality, and no customer

shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (1981 code, § 13-222)

18-223. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1981 code, § 13-223)

18-224. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1981 code, § 13-224)

18-225. Damages to property due to water pressure. The municipality, unless otherwise provided by state or federal law, shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1981 code, § 13-225)

18-226. Liability for cutoff failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that plumbing is properly drained and is kept properly drained, after water service has been cut off. (1981 code, § 13-226)

18-227. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1981 code, § 13-227)

18-228. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1981 code, § 13-228)

18-229. Fluoridation of water. The Water and Wastewater Department of Springfield, Tennessee, is hereby authorized to inject optimum amount of fluorine into the water system of Springfield, Tennessee. (1981 code, § 13-229, modified)

CHAPTER 3

SEWAGE DISPOSAL

SECTION

- 18-301. Definitions.
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- 18-306. Significant user discharge permit system.
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- 18-309. Pretreatment enforcement--procedure--complaints--administrative orders.
- 18-310. Pretreatment enforcement--hearings.
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- 18-312. Pretreatment enforcement--assessment for noncompliance with program permits or orders.
- 18-313. Additional penalties.
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- 18-315. Construction fees.
- 18-316. Variances from and effect of preceding rules as to extensions.
- 18-317. Pretreatment enforcement response plan.
- 18-318. Fats, oils and grease management plan.
- 18-319. Savings clause.

18-301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "The Act" means Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, (33 U.S.C. 1251 et. seq.), and subsequent amendments, including the Tennessee Water Quality Control Act of 1977 and all amendments thereto.

(2) "Approval authority" shall mean the Tennessee Department of Environment and Conservation and the Director of the Division of Water Resources and his/her representative(s).

(3) "Best Management Practices (BMPS)" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 1200-4-14-.05(1)(a) and (2). BMPS also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials' storage.

(4) "BOD (denoting Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under

standard laboratory procedures in five (5) days at twenty degrees Centigrade (20° C), expressed in terms of weight and concentration (milligrams per liter [mg/l]).

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

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

(7) "Categorical pretreatment standard" or "categorical standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act that apply to specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471, and Tennessee Rule 1200-4-14-.06.

(8) "Categorical industrial user" shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

(9) "City" shall mean the City of Springfield, the board of mayor and aldermen, the city manager and other city personnel based on job description and responsibilities.

(10) "COD" (denoting Chemical Oxygen Demand) shall mean the quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(11) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(12) "Compatible pollutant" shall mean such pollutants as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants as are now and may be in the future specified and controlled in the city's NPDES permit for its sewer treatment works where said works have been designed and used to reduce or remove such pollutants.

(13) "Director" shall mean the director of the Springfield Water and Wastewater Department.

(14) "EPA" shall mean the Environmental Protection Agency, an agency of the United States, or, where appropriate, the term may be used as a designation for the administrator or other duly authorized official of said agency.

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

(16) "Grab sample" shall mean a single sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(17) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(18) "Indirect discharge" means the introduction of pollutants into a POTW from any non-domestic source.

(19) "Industrial user" shall mean a source of indirect discharge.

(20) "Industrial wastes" shall mean the liquid wastes and solid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(21) "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

(22) "Local limit" shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Pretreatment Rule 1200-4-14-.05(1)(a) and (2).

(23) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality and quantity.

(24) "National Pollutant Discharge Elimination System (NPDES) permit" shall mean a permit for treated wastewater discharge issued to the city pursuant to section 402 of the Act.

(25) "National pretreatment standard" or "pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Pretreatment Rule 1200-4-14-.05.

(26) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(27) "New source shall mean:

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

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

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

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

plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

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

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

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

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

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

(28) "North American Industry Classification System (NAICS)" shall mean a classification pursuant to the North American Industry Classification System manual as issued by the Executive Office of the President, Office of Management and Budget, 1997, as revised in 2002 and 2012.

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

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

(31) "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

(32) "Pollutant" shall mean dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological



materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(33) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(34) "Pretreatment facility" or "pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 1200-4-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surge or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 1200-4-14-.06(5).

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

(36) "Process wastewater" shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(37) "Public sanitary sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the city.

(38) "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by section 212 of the Act, which is owned by the City of Springfield. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(39) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operations and maintenance" includes replacement.

(40) "Sample collection and test procedures:"

(a) Sample collection and procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304(h) of the Clean Water Act, as amended, under which such procedures may be required.

(b) Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in title 40, CFR part 136 per Tennessee Rule 1200-4-14-.12(7)(c) and (e).

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

(42) "Sanitary wastewater" shall mean liquid wastes discharged from: the sanitary conveniences at dwellings (including apartment houses and motels), office buildings, industrial plants, or institutions and from the non-commercial preparation, cooking and handling of food, as distinct from industrial wastes.

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

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

(45) "Significant noncompliance" shall mean any user violations which meet one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 1200-4-14-.03(l);

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 1200-4-14-.03(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required by this rule.

(c) Any other violation of a pretreatment standard or requirement as defined by 1200-4-14-.03 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subpart (6)(a)6(ii) of this rule to halt or prevent such a discharge;

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

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

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

(g) Failure to accurately report noncompliance.

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

(46) "Significant user" shall mean:

(a) Except as provided in subsections (b) and (c) of this definition, the term significant industrial user means:

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

(ii) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the POTW on the basis that the industrial use has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 1200-4-14-.08(6)(f).

(b) The city may determine that an industrial user subject to categorical pretreatment standards under 1200-4-14-.06 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant categorical industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submit the certification statement required in 1200-4-14-.12(17) together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(c) Upon a finding that an industrial user meeting the criteria in part (a)(ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 1200-4-14-.08(6)(f), determine that such industrial user is not a significant industrial user.

(47) "Slug discharge" or "slug load" shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

(48) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water; an NPDES permit is required by state law and city ordinance prior to any discharge to a storm drain or any natural outlet.

(49) "Suspended solids" shall mean the total suspended matter that is in suspension or floating on the surface in water, sewage, or other liquids, and which is removable by laboratory filtering, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(50) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(51) "Twenty-four (24) hours, flow-proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow to combine to form a representative sample.

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

(53) "Useful life" shall be the estimated period during which a treatment works will be operated.

(54) "User" shall mean any individual, firm, company, association, society, corporation or group.

(55) "User charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

(56) "Wastewater treatment works" shall mean all facilities for collecting, pumping, treating and disposal of sewage.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013)

18-302. Requirements for proper sewage disposal. (1) Disposal of human and animal excrements. It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Springfield or any area under the jurisdiction of the said city, any human or animal excrement, garbage, or other objectionable wastes.

(2) Discharge of sewage or polluted waters. It shall be unlawful to directly discharge to any natural outlet within the City of Springfield or in any area under the jurisdiction of the said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and a valid NPDES permit issued by the State of Tennessee.

(3) Septic tank, cesspool, privy vault, and privy construction. Except as hereafter 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) 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, state, and federal 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.

(5) Requirement for toilet facilities. The owner of any house, building or property used for human occupancy, employment, or recreation is, at his own expense, required to install suitable toilet facilities and to connect those facilities to a properly operated public or private sewage disposal system.

(6) Availability of public sanitary sewers. A public sanitary sewer that is located in any street, alley, right-of-way or easement is considered to be available to any property that abuts that street, alley, right-of-way, or easement. This definition shall apply to any such public sanitary sewer that currently exists and to any public sanitary sewer that may be installed in the future.

(7) Connection to available public sanitary sewer. (a) The owner of any property that has a building with suitable toilet facilities, and where a public sanitary sewer is available, shall connect the building's sewer system to the public sanitary sewer if any part of the building is not more than one hundred fifty feet (150') (in a straight line) from any part of the public sanitary sewer, provided that:

(i) The distance provision is applicable even if the public sanitary sewer is a low-pressure sewer. In that case, the owner/occupant shall pay for the purchase and installation of a low-pressure pumping system that meets the requirements of the SWWD. Upon installation of the low-pressure pumping system, that low-pressure pumping system shall become property of the City of Springfield. The owner/occupant shall be responsible for providing electrical power to the low-pressure pumping system and the SWWD shall be responsible for operating and maintaining the low-pressure pumping system; and

(ii) The owner/occupant of the building or the property pays all applicable sewer tap fees, sewer connection fees and sewer capacity fees; and

(iii) The owner or occupant pays the subsequent monthly sewer user fee; and

(iv) The service lateral from the building to the public sanitary sewer is connected in compliance with the applicable plumbing code and other requirements of the City of Springfield.

(b) In any case where the public sanitary sewer is available to a property and that property has a building (with suitable toilet facilities) which is more than one hundred fifty feet (150') away from the public sanitary sewer, and the owner or occupant of the property has chosen to not connect the building sewers with the public sanitary sewer, the owner or occupant is required to pay the appropriate monthly sewer user fee as if the building was actually connected to the public sanitary sewer.

(c) When either the Robertson County Health Department of an appropriate State of Tennessee agency, or the director determines that the operation of a private sewage disposal system poses a potential or actual threat to public health or to the environment and if that private sewer system is located on property to which a public sanitary sewer is available, the owner or occupant of the property, as appropriate, will be notified by the director that the owner or occupant shall be required to connect the building sewer to the public sanitary sewer and to discontinue to operate the private sewage disposal system. The notification by the director shall be in writing, by certified mail, return receipt requested, and shall specify that the connection to the public sanitary sewer shall be accomplished in a time frame that is not to exceed ninety (90) calendar days.

(d) Any property inside the city limits of Springfield, which is to be subdivided into two (2) or more parcels, and to which public sanitary sewer is available to any portion of that property, shall, at the property owner's or developer's expense and in compliance with all appropriate City of Springfield sewer construction practices, be provided with sanitary sewer facilities to all parts of the property. This provision

applies if the sewers consist of any combination of gravity sewers and/or a grinder pump system. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013, and amended by Ord. #13-28, Feb. 2014)

18-303. Building sewer permits and proper connections. (1) Sewer connections. No unauthorized user shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the general manager.

(2) Plumbing permit required. Certain types of work, as specified by the City of Springfield plumbing code, which involve the installation or modification of a building sewer system shall require the owner or owner's agent to obtain a plumbing permit from the city prior to the commencement of the work. The owner or owner's agent shall make application for a plumbing permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the director.

(3) Cost of sewer connection. All costs and expenses incidental 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) Users per connection. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another or any interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Use of existing sewer connection. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the water/wastewater utilities director or representative, to meet all requirements of this chapter.

(6) Design consideration for building sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the following requirements:

(a) The minimum size of a building sewer shall be four inches (4").

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

(c) At every ninety (90) turn of the sewer line, a manhole is required.

(d) Four inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second.

(e) Slope and alignment of all building sewers shall be neat and regular.

(f) Buildings sewers shall be constructed only of:

(i) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(ii) Cast iron soil pipe with compression joints (no lead joints);

(iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or

(iv) Such other materials of equal or superior quality as may be approved by the director. Under no circumstances will leaded or cement mortar joints be acceptable.

(g) A cleanout shall be located five feet (5') outside of the building, one (1) as it taps onto the utility lateral and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished-grade level directly above the place where the cleanout is installed. Alternatively, if the owner desires, the cap of the cleanout can be lower than the finished grade, but only if it is enclosed in a box that is approved by the director. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. If the owner so desires, he can use a "double sweep" cleanout. Cleanouts shall not be smaller than four inches (4") on a four inch (4") pipe.

(h) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or installing a tee-saddle or tee-insert of a type approved by the director or representative. All such connections shall be made gastight and water-tight. On all new connections to the public sanitary sewer, a "double sweep" cleanout shall be installed on the service lateral at the property line. The owner shall extend the building sewer to this cleanout.

(i) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of one hundred eighteen inch (118") per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. 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 at the expense of the owner.

(j) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation (WEF) Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the director or representative before installation.

(k) An installed building sewer shall be gas tight and water tight.

(7) Maintenance of building sewer. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the city.

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

(9) Design considerations for connecting building and public sewers. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code 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 WEF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(10) Inspection of building sewers. The applicant for the building sewer permit shall notify the director or his representative when the building is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the director or his representative, the plumbing inspector for the City of Springfield, Tennessee.

(11) Excavation. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013, and amended by Ord. #14-05, June 2014)

18-304. Prohibitions and limitations on wastewater discharges.

(1) Wastes excluded from discharge into the public sanitary system. All industrial users shall be subject to "National Pretreatment Standards: prohibited discharges" as detailed in federal regulation 40 CFR, part 403.5. In addition, no user shall discharge or allow to be discharged into the sewerage work any of the following materials:

(a) Unpolluted waters. This includes uncontaminated storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Division of Water Resources, Department of Environment and Conservation, State of Tennessee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Division of Water Resources, Department of Environment and Conservation, State of Tennessee, to a storm sewer, or natural outlet with NPDES permit required.

(b) Solid or viscous waters. Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, uncomminuted garbage, animal guts or tissues, paunch manure, cannery wastes, bones, hair, hides or fleshings, entrails, whole blood, feathers, bulk solids, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, painting residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works 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 ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Controlled 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.

(d) 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, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

(e) Corrosive wastes. Any waste which will cause corrosion or deterioration of the wastewater treatment works. All wastes discharged

to the public sanitary sewer system must have a pH value in the range of five (5) to nine (9) standard units. 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.

(f) Oils and grease. Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty degrees (150°) Fahrenheit (0° and 65° C).

(g) Noxious materials. 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 may be sufficient to prevent entry into a sewer for its maintenance and repair.

(h) Discolored materials. Wastes with objectionable color such as dye waste and any other wastes which cause or may cause a change in the color of the receiving stream.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.

(j) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(k) High temperature wastes. Any liquid or vapor having a temperature higher than one hundred four degrees Fahrenheit (104° F), forty degrees Centigrade (40° C).

(l) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) using the test methods specified in federal regulation 40 CFR 261.21. Prohibited substances include, but are not limited to, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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

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

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

(p) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(2) Limitation on wastewater discharges. No person shall discharge or convey, or permit, or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Require unusual attention or expense to handle at the wastewater treatment facilities.

(b) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 1200-1-11, per Tennessee Rule 1200-4-14-.12(16).

(c) Violate national pretreatment standards as promulgated by the EPA with appropriate effective dates.

(d) Cause the treatment plant to experience problems with unit operations, sludge handling and disposal options or compliance with its NPDES permit limitations. Concentrations shall not exceed any applicable categorical standards, any local limits or cause the headworks loading at the POTW to exceed the current protection criteria for the POTW influent as detailed in Table I "Protection Criteria for POTW Influent," as follows:

TABLE I

## PROTECTION CRITERIA FOR WWTP INFLUENT

## Incompatible Pollutants

Parameter	Limiting Influent Concentration (mg/l)
arsenic	0.1
barium	0.1
cadmium	0.0147
chromium, trivalent	0.163
chromium, hexavalent	0.87
chromium, total	0.250
copper	0.188
cyanide	0.017
lead	0.050
mercury	0.00043
methylene chloride	0.096
nickel	0.250
pesticides	BDL*
phenols	0.455
silver	0.029
zinc	0.290

\*BDL = below detectable limits

(e) Additional constituents shall be added as needed to protect the treatment works.

(f) Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.

(g) "Slugs" as defined in § 18-301, shall be avoided and must be reported.

(h) Wastewater discharges which substantially differ in nature or constituents from the user's average discharge shall be prohibited unless prior approval is obtained, in writing, from the industrial pretreatment coordinator. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-305. User compliance with wastewater discharge permit system.

(1) Regulatory actions. Disposal into the sewer system by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act of 1972 (FWPCA) as amended, and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, and contain the substances or possess the characteristics enumerated in § 18-304 or the criteria established by the federal government on discharge of toxic and hazardous materials or violates the treatment facilities protection criteria and which in the judgment of the industrial pretreatment coordinator and/or the Division of Water Resources, Tennessee Department of Environment and Conservation, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the industrial pretreatment coordinator shall:

(a) Require a "significant user discharge permit" as described in § 18-306 of this chapter.

(b) Prohibit the discharge of such wastewater; this includes the right to disconnect the user's connection with the public sanitary sewer system in § 18-309(2).

(c) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

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

(e) Require grease, oil, and sand interceptors (separation facilities) when, in the opinion of the industrial pretreatment coordinator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and meet all requirements detailed in the city's "Fats, Oils and Grease Management Program."

(f) Require the person making, causing or allowing the discharge to pay an additional cost or expense incurred by the city for handling and treating excess loads imposed on the treatment system, and the cost of discovering any violations specifically including laboratory fees.

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

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the director and/or industrial pretreatment coordinator or representatives of the Tennessee Department of Environment

and Conservation and/or EPA, upon the presentation of credentials, may be permitted to enter upon any property or premises at reasonable times for the purpose of:

- (a) Copying any records required to be kept under provisions of this chapter;
- (b) Inspecting any monitoring equipment or method; and
- (c) Sampling any discharge of wastewater to the treatment works.

The director, and/or industrial pretreatment coordinator or either's representative may enter upon the property at any hour under emergency circumstances.

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

(4) Protection from accidental discharge. Each user shall provide protection from accident discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the industrial pretreatment coordinator for review, and shall be approved by him before construction of the facility, except as provided in the "significant user discharge permit." Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(5) Reporting of accidental discharge. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 1200-4-14-.05(2). If for any reason a facility does not or is unable to comply with any prohibition or limitations in this ordinance or the user's permit, the facility will immediately notify the industrial pretreatment coordinator and/or the operator on duty at the wastewater treatment plant so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the industrial pretreatment coordinator 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 facility within five (5) days of the

occurrence of the noncomplying discharge. Permanent notices shall be posted by users informing employees of the duty to report and the person to whom accidental discharges should be reported.

(6) Baseline monitoring reporting requirements for industrial uses. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or within one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 1200-4-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the city a baseline monitoring report which contains the information listed in subsections (6)(a) through (g) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to city a baseline monitoring report which contains the information listed in subsections (6)(a) through (e) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (6)(d) and (e) of this section:

(a) Identifying information. The user shall submit the name and address of the facility including the name of the operators and owners.

(b) Permits. The users shall submit a list of any environmental control permits held by or for the facility.

(c) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined waste stream formula of 1200-4-14.06(5). (See subsection (6)(e)(iv) of this section.) The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurements of pollutants. (i) The user shall identify the pretreatment standards applicable to each regulated process;

(ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or city) of regulated pollutants in the discharge from each regulated process. Both daily



maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard;

(iii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section;

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 1200-4-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 1200-4-14-.06(5) this adjusted limit along with supporting data should be submitted to the city.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in federal regulation 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

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

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

(f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in subsection (12) of this rule) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not,

whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(g) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard:

(i) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (1200-4-14-.07), the combined waste stream formula (1200-4-14-.06(5)), and/or a fundamentally different factors variance (1200-4-14-.13) at the time the user submits the report required by subsection (2) of this rule, the information required by subparagraphs (f) and (g) of this paragraph shall pertain to the modified limits.

(ii) If the categorical pretreatment standard is modified by a removal allowance (1200-4-14-.07), the combined waste stream formula (1200-4-14-.06(5)) and/or a fundamentally different factors variance (1200-4-14-.13) after the user submits the report required by subsection (2) of this rule, any necessary amendments to the information requested by subsections (f) and (g) of this section shall be submitted by the user to the city within sixty (60) days after the modified limit is approved.

(7) Reporting of self-monitoring. (a) Monitoring results obtained by significant industrial users shall be summarized and reported on business letterhead to the city two (2) times per year. Reports are due on the 15th of March and September.

(b) The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the calendar period preceding the submission of each report, including maximum and average daily flows.

(c) If the permittee monitors any pollutant more frequently than required by their permit, using test procedures prescribed in 40 CFR 136 or amendments thereto, or otherwise approved by EPA or as specified in their permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported to the city. Such increased sampling shall be indicated in the semiannual report.

(d) Each report shall include a statement of certification and shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(6)(i).

(8) Reporting of changed conditions. All industrial users shall promptly notify the city's industrial pretreatment coordinator in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 1200-4-14-.12(16).

(9) Sampling violations. If sampling performed by an industrial user indicates a violation, the user shall notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Re-sampling is not required if:

- (a) The city performs sampling at the industrial user at a frequency of at least once per month; or
- (b) The city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-306. Significant user discharge permit system. (1) Wastewater discharge permits required. All significant users (as defined in § 18-301) proposing to connect to or discharge into any part of the public sanitary sewer system must first obtain a discharge permit. All existing major users connected to or discharging to any part of the city public sanitary sewer system must obtain a wastewater discharge permit at the expiration of its prior permit. The director has final authority on who qualifies as a "significant user."

(2) Permit application. Users seeking a wastewater discharge permit shall complete and file with the industrial pretreatment coordinator an acceptable application. The user shall submit the following information:

Note: The industrial pretreatment coordinator may, on a case-by-case basis, either require additional information or delete certain requirements at his discretion based on the overall operation of the city system.

- (a) Name, address, and NAICS number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to, those set forth in § 18-304 and Table I of this chapter, as determined in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater";
- (d) Location of discharge point(s), accompanied with appropriate plans and specifications;
- (e) Average and 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 processes on the premises including all materials and types of materials which are or could be discharged; a complete inventory list of all chemicals; copies of all material safety data sheets;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Other information that may be defined by the industrial pretreatment coordinator for reasonable evaluation of the permit application;

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

(l) In addition, the following EPA policy concerning "confidentiality" shall apply (40 CFR 403.14): "(a) EPA authorities. In accordance with 40 CFR part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (public information); (b) Effluent data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction; (c) State or POTW. All other information which is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302."

(m) 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 in accordance with this regulation.

(3) Permit conditions will include the following:

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

(b) Effluent limits including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, state and local law.

(c) Limits on rate and time of discharge or requirements for flow regulators and equalizations;

(d) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs; the location of facilities and type of facilities to be approved by the industrial pretreatment coordinator.

(e) The reports required by § 18-305(6) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The city shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate.

(f) Requirements for maintaining and submitting discharge reports and plant records relating to wastewater discharges; users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or

methods used; and the results of such analyses. These records shall remain available for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(g) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;

(h) Compliance schedules;

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

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

(k) Other conditions to ensure compliance with this chapter.

(4) Duration of permits. (a) A permit shall be valid for not more than five (5) years unless processing changes are made that, as determined by the industrial pretreatment coordinator, alter the wastewater constituents and characteristics significantly. The industrial pretreatment coordinator shall be notified of any planned significant process changes in order to make such determinations. The terms and conditions of the permit may be subject to modification by the industrial pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists.

(b) The user shall be informed of any proposed changes in his permit at least thirty (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. The discharge permit will be evaluated by the industrial pretreatment coordinator ninety (90) days prior to the expiration date. The industrial user shall apply for a new permit with said application to be made at least sixty (60) days prior to the expiration of any existing permit.

(5) Transfer a permit. A significant user discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or sold to a new owner, new user, different premises, or a new changed operation.

(6) Cause for enforcement action. Violations subjecting a user to possible revocation of his permit or enforcement action include but are not limited to the following:

(a) Failure to apply for permit;

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

(c) Obtaining a permit by misrepresenting or failing to disclose fully all relevant facts;

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

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

(f) Violation of terms and conditions of the permit.

(7) Compliance schedules. The city shall have the authority to issue and enforce compliance schedules setting dates and times in which an industrial user shall come into compliance with the terms set forth in the industrial user permit in accordance with 40 CFR 403.8(f)(1)(iv) and 403.12(c).

(8) Public participation. The city shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the city, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial uses (or any other industrial user that violates subsections (c), (d), or (h) of this section) and shall mean:

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

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

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

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

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual

wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

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

(9) Permit appeal procedure. A significant user shall have the right to appeal all items established in the discharge permit. The procedure shall be as follows:

(a) A written notice signed by the person in charge of the significant user seeking an appeal hearing, shall be delivered by registered mail to the director. The notice should outline the permit provisions which the user wishes to appeal. Within thirty (30) days a hearing shall be conducted before the hearing authority (§ 18-308(1)) and all grievances alleged by the user shall be discussed, and appropriate decisions rendered. Exemptions or variances of the protection criteria established for the city system shall not be granted during this appeal procedure unless such variance cannot cause the city to violate its NPDES permit. Said variance, if granted is only effective during pendency of said appeal.

(b) Nothing in this section shall affect a person's right to appeals provided by state law. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-307. Charges and fees (user charge system). (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of Springfield which will enable it to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined 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 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 Springfield. These charges and fees shall be recovered through the user classification established below.

(2) Classification of user. All users shall be classified by the water/wastewater utilities manager 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 regulations of wastewater discharge 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 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	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
ammonia-N	30 milligrams per liter
suspended solids	300 milligrams per liter
fats, oil and grease	100 milligrams per liter

The charges and fees for all classifications of users other than the 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, TSS, ammonia as N, TKN, 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 Operations and Maintenance (O&M) including replacement for handling its periodic volume of "normal wastewater."

(a) 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.

(b) Surcharges. The surcharges will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD, suspended solids, and/or other elements in "normal wastewater" as defined by subsection (4). The amount of the surcharge shall be determined by the following formula:

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

Where:  $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.  
 $B_c$  = O&M cost for treatment of a unit of BOD expressed in dollars per pound.  
 $B$  = Concentration of BOD from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.  
 $S_c$  = 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 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.  
 $P_c$  = O&M cost for treatment of a unit of any pollutant which the publicly owned treatment works 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 director.

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 director is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(6) 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.

(7) Biennial review of operation and maintenance charges. The City of Springfield 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; and

(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.

(8) Appeal procedure. A user shall have the right to appeal any and all charges and fees assessed against them. The procedure shall be as follows:

A written notice, signed by the user seeking an appeal hearing, shall be delivered by registered mail to the director, outlining the fees and charges which the user wishes to appeal. Within thirty (30) days a hearing shall be conducted before the hearing authority (§ 18-308(1)) and all grievances alleged by the user shall be discussed and appropriate decisions rendered.

Nothing in this section shall affect a person's right to appeals provided by state law.

(9) Wastewater characteristics. The wastewater characteristics of each significant user shall be determined by monitoring or, where monitoring is not feasible, wastewater characteristics may be estimated using historical records, data from similar users, etc. After initiation of the charges and fee system, significant users shall be monitored on a regular basis, not less often than annually. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-308. Hearing authority. A hearing authority shall be comprised of three (3) members consisting of the mayor or his/her board appointee, the city

manager, and the city attorney; a quorum shall be defined as two (2) persons present. A hearing held before the hearing authority shall be held pursuant to Tennessee Code Annotated, § 69-3-101, et seq., and in conformity with the provisions of this chapter. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-309. Pretreatment enforcement--procedure--complaints--administrative orders. (1) Whenever the industrial pretreatment coordinator has reason to believe that a violation of any provision of this chapter, of any valid industrial user discharge permit, or orders of the hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the industrial pretreatment coordinator may cause a written complaint to be served upon the alleged violator or violators.

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

Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the hearing authority, no later than thirty (30) days after the date such order is served; provided, however, that the hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Whenever the industrial pretreatment coordinator finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the publicly owned treatment works of the city, the director may without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency including the right to discontinue water and sewer service.

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

Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this part may be served on any person affected thereby personally, by the industrial pretreatment coordinator or any person designated by him, or such services as may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the director.

Whenever feasible, a pre-termination notice and hearing will be provided to the affected party or parties and in emergency situation as expedited post-termination hearing shall be provided per § 18-310(1)(i). (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-310. Pretreatment enforcement--hearings. (1) Any hearing or rehearing brought before the hearing authority shall be conducted in accordance with the following:

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

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

(c) A verbatim record of the proceedings of such hearings shall be taken and filed with the hearing authority, together with the findings of fact and conclusions of law made pursuant to this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the director to cover the costs of preparation.

(d) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.

(e) Any member of the hearing authority may administer oaths and examine witnesses.

(f) Any party including the director or his representative may examine witnesses.

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

(h) The decision of the hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (2).

(i) Any person to whom an emergency order is directed pursuant to § 18-309 shall comply therewith immediately but on petition to the hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the hearing authority.

(2) An appeal may be taken from any final order or other final determination of the hearing authority by any party, including the city, who is or may be adversely affected thereby, to the chancery court of Robertson County pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date of such order or determination is made. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-311. Pretreatment enforcement--violations--civil penalty. (1) Any person including, but not limited to, industrial users, who does any of the following acts or omission shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation, per day for each day during which the act or omission continues or occurs:

(a) Violates an effluent standard or limitation imposed by ordinance.

(b) Violates the terms or conditions of a permit issued pursuant to the ordinance.

(c) Fails to complete a filing requirement of the ordinance.

(d) Fails to allow or perform an entry inspection, monitoring or reporting requirement of the ordinance.

(e) Fails to pay user or cost recovery charges imposed.

(f) Violates a final determination or order of the hearing authority or the industrial pretreatment coordinator.

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

(a) The director may issue an assessment against any person or industrial user responsible for the violation. If such an assessment is levied, a citation and supporting documentation shall be forwarded to the city manager immediately.

(b) Any person or industrial user against whom assessment has been issued may secure a review of such assessment by filing with the city manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the hearing authority and if a petition for review of the assessment is not filled within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(c) Whenever any assessment has become final because of a person's failure to appeal the director's assessment, the attorney for the City of Springfield may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall

treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(d) In assessing the civil penalty the director shall consider the following factors:

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

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

(iii) Cause of the discharge or violations;

(iv) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality of the receiving stream;

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

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

(vii) The economic benefit gained by the violator;

(viii) Potential for harm from the discharge or violation;

(ix) The seriousness and extent of the violation;

(x) Good faith efforts to comply;

(xi) The degree of cooperation/non-cooperation;

(xii) Actual knowledge of the violation or degree of negligence/willfulness;

(xiii) History of compliance or non-compliance;

(xiv) Ability to pay;

(xv) Other unique factors specific to the violator or case (including strength of case and competing policy concerns).

After consideration of the above factors, the pre-treatment response plan as outlined in § 18-314 shall be used as a guide for the assessment of penalties and/or any enforcement actions.

(e) The attorney for the city may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the city upon request by the director.

(3) The hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the director for certain specific violations of categories of violations.

Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the State of Tennessee for violation

of § 69-3-115(a)(1)(F). Provided, however, the sum of penalties imposed by this section and by section § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs.

(a) A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit (or a general permit), or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine and/or imprisonment to the maximum extent allowable by state law.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine and/or imprisonment to the maximum extent allowable by state law. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, individual wastewater discharge permit, (or general permit), or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of the maximum fine allowable under state law per violation, per day, and/or imprisonment to the maximum extent allowable by state law.

(d) In the event of a second conviction, a user shall be punished by the maximum fine allowable under state law per conviction, per day, and/or imprisonment to the maximum extent allowable by state law. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-312. Pretreatment enforcement--assessment for noncompliance with program permits or orders. (1) The director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person's or significant user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.

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

(3) Damages may include any expenses incurred in investigating and enforcing the chapter in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by pollution or violation.



(4) Whenever any assessment has become final because of a person's failure to appear within the time provided, the attorney for the City of Springfield may apply to the appropriate court for a judgment and seek execution on such judgment. (Ord. #88-15, as replaced by Ord. #13-13, Nov. 2013)

18-313. Additional penalties. (1) The director shall have the authority to discontinue water and sewer service to those users that persistently violate any requirements of this chapter.

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

(3) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. All violators will be subject to civil and criminal prosecution. (Ord. # 88-15, as replaced by Ord. #13-13, Nov. 2013)

18-314. Sewer main extensions. All sewer main extensions shall be in conformance with the following policies:

(1) Main extensions to developed areas. The provisions of this subsection shall apply only to sewer main extensions of five hundred feet (500') or less to areas where there is a demand for sewer service by the occupants of existing houses. This subsection shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed sewer main extension of the character to which this subsection applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one (1) minimum monthly bill for each one hundred feet (100'), or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the sewer main extension, such persons shall pay sewer bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly sewer bills shall have been assumed by other persons acceptable to the municipality at which time pro rata amounts of the cash deposit shall also be returned to the depositors.

(2) Main extensions to other areas. The provisions of this subsection shall apply to all areas to which the preceding subsection is not applicable. Customers desiring sewer main extensions pursuant to this subsection must pay all of the cost of making such extensions.

For installations under this or the preceding subsection, design, materials, and construction method shall be in accordance with the department's water system and sewer system specifications. All such lines shall be installed by the builder or developer. By special agreement, main extensions may be installed by municipal forces or by forces working under the direct supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate such mains as an integral part of the municipal sewer system and shall furnish sewer therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (as added by Ord. #96-35, July 1996, and replaced by Ord. #13-13, Nov. 2013)

18-315. Construction fees. The city may construct a sewer system extension project and charge a construction fee as a condition of connection to the sewer system in order to recover some or all costs related to the project. A construction fee shall be levied under the following guidelines:

(1) The costs of system improvements shall be established by the total costs of construction.

(2) Each specific system extension project shall have a separate cost of construction calculated for it.

(3) The fee to connect to a city-financed line extension project shall be determined by the number of Proposed Equivalent Single Family Connections (PESFC) to be served in a development divided by the Total Allowed Equivalent Single Family Construction Capacity (AESFCC) of the line multiplied by the actual construction cost of the system extension.

$$\text{Fee} = \text{PESFC}/\text{AESFCC} \times \text{total construction costs}$$

(4) All construction fees collected shall be deposited into an escrow fund to pay for the actual construction cost of the sewer system extension project.

(5) The actual construction cost shall include costs for engineering, right-of-way acquisition, permits, construction and inspection and may include, at the discretion of the board of mayor and aldermen, interest on debt service to repay bonds or loans issued to construct the sewer system extension project.

(6) The construction fee is to help recover the costs for system extension only. Should the city be required to construct a service connection, the normal service construction fee for sewer service then in effect shall be charged in addition to the construction fee.

(7) The construction fee for each completed project shall be established by the board of mayor and aldermen by ordinance.

(8) Payment of the construction fee to the city shall be due when connection to the city's sewer system is requested. (as added by Ord. #96-35, July 1996, and replaced by Ord. #13-13, Nov. 2013)

18-316. Variances from and effect of preceding rules as to extensions. Whenever the governing body is of the opinion that it is in the best interest of the sewer system to construct a sewer main extension without requiring strict compliance with §§ 18-314 and 18-315, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make sewer main extensions under §§ 18-314 and 18-315 is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (as added by Ord. #96-35, July 1996, as replaced by Ord. #13-13, Nov. 2013)

18-317. Pretreatment enforcement response plan. Under state and federal statutes, the City of Springfield must establish an Enforcement Response Plan (ERP) approved by the Tennessee Department of Environment and Conservation.

The ERP outlines the steps to be taken to enforce the provisions of this chapter. All enforcement actions will be taken in accordance to the provisions set forth in the plan.

Upon approval of the Tennessee Department of Environment and Conservation, the ERP shall be enforceable under this section of this chapter. (as added by Ord. #13-13, Nov. 2013)

18-318. Fats, oils and grease management plan. The City of Springfield pretreatment program is required by the Environmental Protection Agency and the State of Tennessee Department of Environment and Conservation to develop a Fats, Oils and Grease (FOG) management program and a FOG Enforcement Response Plan (ERP). The FOG management plan provides protection for the city's wastewater collection and treatment systems. The objective of the FOG management plan includes, but is not limited to:

(1) Minimize introduction of fats, oils and grease into the collection system;

(2) Development and implementation of a discharge permit system for FOG-generating Food Service Establishments (FSEs);

(3) Provide effective means of interception of FOG through proven effective FOG interceptors and FOG recovery units;

(4) Provide FOG generator with best management practices that can be used to minimize the introduction of FOG into the public sanitary sewer system;

- (5) Provide FSEs with information on the various types of fog removal devices;
- (6) Provide for regular inspections of FSE FOG removal devices;
- (7) Educate FSE personnel about the need to minimize FOG from entering the public sanitary sewer system;
- (8) Utilize a manifest system to track the removal and disposal of FOG that is removed from FSEs; and
- (9) Take appropriate enforcement action against non-complying FSEs.

Noncompliance with this FOG program will result in enforcement actions as outlined in the City of Springfield FOG ERP.

Upon approval of the FOG management program by the Tennessee Department of Environment and Conservation, the director shall begin implementation of the various appropriate provisions of the FOG management program and the FOG ERP. (as added by Ord. #13-13, Nov. 2013)

18-319. Savings clause. If any provisions, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect. (as added by Ord. #13-13, Nov. 2013)

## CHAPTER 4

STORM SEWER USE

## SECTION

- 18-401. Definitions.
- 18-402. Requirements for proper storm drain disposal.
- 18-403. Storm sewer permits and proper connections.
- 18-404. Limitations.
- 18-405. User compliance.
- 18-406. Permits.
- 18-407. Enforcement procedure and penalties

8-401. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "The Act" or "Acts" means Federal Water Pollution Control Act Amendment of 1972 (33 U.S.C. 1251 et seq.), and subsequent amendments to the Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

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

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

(4) "City" shall mean the City of Springfield or Board of Mayor and Aldermen.

(5) "City judge" means that person appointed by the Springfield City Board of Mayor and Aldermen to constitute City Court and to try all persons charged with violation of the ordinances of the city.

(6) "Director" shall mean the Director of Public Works of the City of Springfield, his authorized deputy agent or representative.

(7) "Industrial wastes" shall mean the liquid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(8) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(9) "Owner" shall mean the title owner to real property except in those cases where the Springfield Industrial Development Corporation is the title owner; in those cases Owner shall mean the Lessee or occupant of the premises.

(10) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or the legal representatives,

agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(11) "Pollution" means such alteration of the physical, chemical, biological, bacteriological, or radiological properties of the waters of this state including but not limited to changes in temperature, taste, color, turbidity, or odor of the waters:

(a) As will result or will likely result in harm, potential harm or detriment of the public health, safety, or welfare;

(b) As will result or will likely result in harm, potential harm or detriment to the health of animals, birds, fish, or aquatic life;

(c) As will render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or

(d) As will leave or will likely leave the waters in such condition as to violate any standards of water quality established by the Water Quality Control Board of the State of Tennessee, the Federal Government or the Director.

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

(13) "Sanitary wastewater" shall mean liquid wastes discharges from: the sanitary conveniences at dwellings (including apartment houses and motels), office buildings, industrial plants, or institutions and from the non-commercial preparation, cooking and handling of food, as distinct from industrial wastes.

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

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

(16) "Storm drain" (sometime termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(17) "User" shall mean any individual, firm, company, association, society, corporation or group.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. # 87-04, modified)

18-402. Requirements for proper storm drain disposal. (1) Discharge of sewage or polluted waters. It shall be unlawful to directly discharge to any natural outlet within the City of Springfield or in any area under the jurisdiction of the said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. # 87-04)

18-403. Storm sewer permits and proper connections (1) Storm sewer connections. No unauthorized user shall uncover, make any connections with or opening into, use, alter, or disturb any storm drain or appurtenances thereof without first obtaining a written permit from the Director.

(2) Building storm drain permits. The owner or his agent shall make application on a special form furnished by the city. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of ten (\$10.00) dollars shall be paid to the city at the time the application is filed. A permit shall be issued only after meeting all applicable City Ordinance, state statutes and regulations and federal statutes and regulations.

(3) Cost of storm drain connection and/or disconnection. All costs and expense incidental to the reinstallation, installation or connection or disconnection to the storm drain shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned.

(4) Use of existing storm drain connection. Storm drain connections may be used only when they are found, on examination and test by the Director, to meet all requirements of this ordinance.

(5) Illegal connections. No user shall continue to use connections to storm drains after being notified by the Director or his authorized deputy or representative to cease using these connections due to the introduction of polluting substances into the storm drains.

(6) Inspection. The applicant for the storm drain permit shall notify the Director to inspect the premises prior to the connection to the storm drain. The connection shall be made under the supervision of the Director or his representative.

(7) Excavation. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. # 87-04, modified)

18-404. Limitations. (1) Unpolluted waters. Uncontaminated storm water, ground water, roof runoff, and subsurface drainage, may be discharged into storm drains. Unpolluted non-contact cooling water may also be discharged into storm drains with proper city and state permits.

(2) Other waters or substances. All other waters or substances may not be discharged into the storm drain or to a natural outlet. (Ord. # 88-15)

18-405. User compliance. (1) Regulatory actions. Discharge into the storm drain by a person is unlawful except in compliance with the federal standards and state standards promulgated pursuant to the acts. If any waters or other substances are discharged or are proposed to be discharged to the storm

drains, and are polluted as defined herein or as determined by the federal, state or Director or his representative to have a deleterious effect upon the storm drain system or which otherwise creates a hazard to life or constitute a public nuisance, the Director may:

(a) Prohibit the discharge of such wastewater; this includes the right to disconnect the users connection with sewer system, ref. section 18-308 (2).

(b) Require a discharger to demonstrate that inplant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(c) Require the person making, causing or allowing the discharge to pay any cost or expense incurred by the city for cleaning up effect of introduction of pollutants into storm drain system.

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

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the Director, or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under provisions of this chapter, (2) inspecting any monitoring equipment or method, and (3) sampling any discharge. The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or State Health Department representatives may also enter upon properties or premises but only when accompanied by the Director.

(3) Personal injury. While performing the necessary work on private properties referred to in this chapter, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(4) Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by him or his representative. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.



(5) Reporting of accidental discharge. An immediate verbal notification must be made of any accidental discharge with said notification to be made to the superintendent or the pretreatment coordinator. In addition a written report addressed to the superintendent detailing the date, time and cause of any accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge. (Ord. # 88-15, modified)

18-406. Permits. (1) Permit application. Users seeking a permit shall complete and file with the Director an acceptable application. In support of this application, the user shall submit the following information:

(Note: The Director may, on a case by case basis, either require additional information or delete certain requirements at his discretion).

- (a) Name, address, and SIC number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Location of discharge point(s), accompanied with appropriate sketches;
- (d) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (e) Site plans, floor plans, mechanical and plumbing plans and details;
- (f) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be discharged;
- (g) Each product produced by type, amount, and rate of production;
- (h) Complete description of pretreatment;
- (i) Other information that may be defined by the Director for reasonable evaluation of the permit application.

(2) Duration of permits. A permit shall be valid for four (4) years unless processing changes are made that, as determined by the city, alter the wastewater constituents and characteristics significantly. The city shall be notified of any planned significant process changes in order to make such determinations. The discharge permit will be evaluated by the city ninety (90) days prior to the expiration date and will be modified as required. Industry will be given a sixty (60) day notice to respond to any proposed changes or they should write the city ninety (90) days prior if they wish to initiate any modifications. If neither the city nor industry request a change, the Permit expiration date will automatically be extended four (4) additional years .

(3) Transfer of a permit. Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new changed operation.

(4) Revocation of permit. Any user who violates the following conditions of his permit or of this chapter, or of applicable State and Federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include but are not limited to the following:

- (a) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
- (b) Obtaining a permit by representing or failing to disclose fully all relevant facts;
- (c) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (e) Violation of terms and conditions of the permit.

(5) Permit appeal procedure. An industry shall have the right to appeal all items established in the Discharge Permit. The procedure shall be as follows:

A written notice signed by the person in charge seeking an appeal hearing, shall be delivered by registered mail to the Director outlining the permit provisions which the user wishes to appeal. The Director shall then have thirty (30) days from the time of receipt of the notice to notify the Springfield Board of Mayor and Aldermen that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions rendered by the Director. Any decisions which in the judgment of the user are inappropriate may be appealed to the Springfield Board of Mayor and Aldermen by filing a written notice with said Board within fourteen (14) days after completion of the first hearing. Exemptions or variances of the protection criteria established for the system shall not be granted during this appeal procedure.

Nothing in this section shall affect a person's right to appeals provided by State Law. (Ord. # 87-04, modified)

18-407. Enforcement procedures and penalties. (1) Violations. Any user found to have violated or to be violating any provision, limitation or requirement of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit which may be immediately if deemed necessary by the Director or his representative but not to exceed thirty (30) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all such violations.

(2) Penalties. Any user who is found to have violated an order of the city or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty & no/100 dollars (\$50.00) for each offense. Each day in which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the persons found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

The Director shall have the authority to discontinue service to those users that persistently violate any requirements of this chapter.

(3) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished as provided by State Law.

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

(5) 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 part of the storm drain works. All violators will be subject to civil and criminal prosecution. (Ord. # 87-04, modified)

CHAPTER 5

CROSS-CONNECTION CONTROL

SECTION

- 18-501. Application and scope.
- 18-502. Definitions.
- 18-503. Compliance with state regulations.
- 18-504. User requirements.
- 18-505. Plumbing permit required.
- 18-506. Public and private water systems.
- 18-507. Power and authority of inspectors.
- 18-508. Schedule of compliance.
- 18-509. Use of public water supply.
- 18-510. Corrections of violations.
- 18-511. Required protection devices.
- 18-512. Non-potable water supplies.
- 18-513. Enforcement and penalties.

18-501. Application and scope. An ordinance regulating the construction and maintenance of cross-connections, auxiliary intakes, by-passes, and inter-connections affecting the city's potable water supply and any other water supply.

18-502. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Air gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air gap separation shall be at least twice the diameter of the supply line, but no less than two inches (2").

(2) "Approved" shall mean that the device or method is acceptable by the Tennessee Department of Environment and Conservation and the director as meeting specifications suitable for the intended purpose.

(3) "Atmospheric vacuum breaker" shall mean a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(4) "Auxiliary intake" shall mean any water supply, on or available to a premise, other than that directly supplied by the public water system, and any piping connection or other device whereby water may be secured from a source other than normally used.

(5) "Backflow" shall mean the reversal of the intended flow direction of water in a piping system.

(6) "Back-siphonage" shall mean the flow of water or other liquids, mixtures or substances into a potable water system from any source other than

its intended source, caused by a reduction of pressure in the potable water system.

(7) "By-pass" shall mean any system of piping or other arrangement whereby the water may be diverted around any part or portion of a backflow prevention device.

(8) "City" shall mean the City of Springfield.

(9) "City manager" shall mean the City Manager of the City of Springfield or his authorized deputy, agent, or representative.

(10) "Cross-connection" shall mean any physical connection whereby the public water supply is connected with any other water supply system, directly or indirectly, whether public or private, either inside or outside of any building or buildings, in such a manner that flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which or because of which, backflow could occur are considered to be cross-connected.

(11) "Director" shall mean the Director of the Springfield Water and Wastewater Department and/or his authorized deputy agent, or representative.

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

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

(14) "Fire protection systems." (a) Class 1 shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs; no physical connections for other supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry well, or other safe outlets.

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

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

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

(e) Class 5 shall be those with a direct connection from the public water mains and interconnected with auxiliary supplies, such as

pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

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

(15) "Inter-connection" shall mean 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.

(16) "Person" shall mean 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.

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

(18) "Public water supply" shall mean the waterworks system furnishing water to the City of Springfield and all portions of Robertson County serviced by the Springfield Water System for general use and which supply is recognized and the public water supply by the Tennessee Department of Environment and Conservation.

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

(20) "TDEC" shall mean the Tennessee Department of Environment and Conservation, Division of Water Supply.

(21) "SWWD" shall mean the Springfield Department of Water and Wastewater.

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

(23) "User" shall mean any individual, firm, company, association, society, corporation, or group. (as added by Ord. #02-10, Aug. 2002)

18-503. Compliance with state regulations. SWWD shall comply with § 68-221-701 of the Tennessee Code Annotated, 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, by-passes, and

inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (as added by Ord. #02-10, Aug. 2002)

18-504. User requirements. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by TDEC, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the director.

If an approved backflow prevention device is required at the city's water service connection to the user's premises, or at points within the premises, to protect the potable water supply, the director shall compel the installation and maintenance of said device at the user's expense.

For new installations, SWWD shall inspect the site and/or review plans in order to determine the type of backflow prevention device, if any, that will be required, and notify the user in writing of the required device. All required devices must be installed and operational prior to the installation of water service.

For existing premises, SWWD shall perform evaluations and inspections and shall require corrections of violations in accordance with this chapter. (as added by Ord. #02-10, Aug. 2002)

18-505. Plumbing permit required. No installation, alteration, or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first securing a suitable plumbing permit from the city. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from time of issuance until final inspection. (as added by Ord. #02-10, Aug. 2002)

18-506. Public and private water systems. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (as added by Ord. #02-10, Aug. 2002)

18-507. Power and authority of inspectors. It shall be the duty of SWWD 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 re-inspections based on potential

health hazards involved shall be as established by the director and as approved by TDEC.

The director and other duly authorized representatives of SWWD shall have the right to enter at any reasonable time, any property served by a connection to the Springfield Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, tenant, 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. (as added by Ord. #02-10, Aug. 2002)

18-508. Schedule of compliance. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the director.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 53-2004, within a reasonable time and within the time limits set by SWWD, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, SWWD shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customers on-site piping system in such a manner the two systems cannot again be connected by an unauthorized person. Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the director 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. (as added by Ord. #02-10, Aug. 2002)

18-509. Use of public water supply. Where the nature of use of the water supplied a premises by SWWD is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to SWWD 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;

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



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

SWWD 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 user's premises is contained therein. The protection devices shall be a reduced pressure backflow preventer with the following exception. The fire sprinkler system can be protected with the use of a double detector check valve assembly in accordance with State of Tennessee regulations. The method of installation of all protective devices shall be approved by the director prior to installation and shall comply with the criteria set forth by TDEC. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of SWWD shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the director or his designated representative.

Water service shall not be disrupted to 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 only one unit is installed and the continuance of service is critical, the director or his representative shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the director.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, the removal, bypassing, or altering of the protective device(s) 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 director and/or his representative of SWWD. (as added by Ord. #02-10, Aug. 2002)

18-510. Corrections of violations. (1) Any user found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violations with the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the director, but in no case shall exceed 90 days.

(2) Where cross-connections, auxiliary intakes, bypasses or interconnections are found to constitute an extreme and immediate hazard of

immediate concern of contaminating the public water system, the director shall require the immediate corrective action be taken to eliminate the threat to the public water system.

(3) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right of a due process hearing timely request. The disconnection may be prior to the disconnection if the commensurate risk to public health and safety warrants.

(4) The failure to correct conditions threatening the safety of the public water system as outlined in the ordinance and § 68-221-771 of the Tennessee Code Annotated within the time limits set forth by SWWD, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the director shall give the user legal notification that water service is to be discontinued, and cause the physical separation between the public water system and the user's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of due process hearing upon a timely request. The due process hearing may follow disconnection when the risk of public health and safety warrant disconnection prior to a process hearing. (as added by Ord. #02-10, Aug. 2002)

18-511. Required protection devices. (1) Where the nature of use of the water supplied a premise by the public water system is such that it is deemed:

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

(b) The owner and/or occupant of the premise cannot or will not demonstrate that the water use and protective features of the plumbing are such as to pose o threat to the safety and potability of the water;

(c) The nature or mode of operation within a premise are such that frequent alterations are made to the plumbing;

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

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

(f) The plumbing from a private well (or other source) enters the building served by the public water supply, then the director 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, then a protective device shall be employed.

(2) The protective device shall be of the type approved by TDEC and the director as to manufacture, model, size, and application. The method of installation of backflow prevention devices shall be approved by the director prior to installation and shall comply with the criteria set forth by TDEC and

with the installation criteria set forth below. The installation shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for the facilities listed on Appendix A.<sup>1</sup>

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

(i) Underground fire sprinkler pipelines are parallel to and within ten feet horizontally of pipelines carrying sewage or significantly toxic products;

(ii) Premises have unusually complex piping systems;

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

(b) Class 4, Class 5 and Class 6 fire protection systems generally shall require a reduced pressure backflow prevention device.

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

(5) Plumbing for commercial and institutional buildings where backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including drains, should such devices be required in the future.

(6) The director may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect water supplies within the premises.

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

(a) All required devices must be installed by a person certified by TDEC, or its successor. Evidence of current certification at the time of installation shall be required.

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

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

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<sup>1</sup>Appendix A to Ord. #02-10, Aug. 2002 is of record in the recorder's office.

(d) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. The maximum height above the floor surface shall be sixty inches (60").

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

(f) Devices in new construction shall be installed inside the occupied building in a heated mechanical room. The device location in existing structures shall be determined on a case-by-case basis, with preference given to indoor installations.

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

(h) Devices shall be positioned where discharge from relief ports is piped to an approved drain which will not create undesirable conditions.

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

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

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

(l) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes, where installations below ground may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port, or that multiple drain lines are at least 2 and one-half (2½) times the area of the relief port.

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

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

(o) High volume/high pressure fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches ten pounds per square inch gauge (10 psig). Ideally, such pumps should draw from an in-house reservoir fed by several supply

lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir. (as added by Ord. #02-10, Aug. 2002)

18-512. Non-potable water supplies. The potable water supply made available on the properties 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**

Minimum acceptable sign shall have black letters one-inch high located on a contrasting background. (as added by Ord. #02-10, Aug. 2002)

18-513. Enforcement and penalties. The requirements contained herein shall apply to all premises served by SWWD, whether located inside or outside the corporate limits, and are hereby made a part of the conditions required to be met for SWWD to provide water services to any premises. Such action, being essential for the protection of 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 thereof, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense.

Any person violating any provisions of this chapter shall become liable to the city for any expense, loss or damage incurred by the city by reason of such violation. (as added by Ord. #02-10, Aug. 2002)