

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWER USE ORDINANCE.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWER USE ORDINANCE²

SECTION

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18-101. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Winchester and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR 403).

¹Municipal code reference

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

²Private act reference

Water, sewer and electrical services are supplied by and governed under the authority and rules and regulations of the Board of Public Utilities, which was established pursuant to Priv. Acts 1953, ch. 404. This act, as amended, is reproduced in full in the charter section of this municipal code, immediately following the text of the charter.

The objectives to this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the wastewater system.

This chapter for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users, enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Winchester and to persons outside the city who are, by contract or agreement with the city, users of the city's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the manager of the Winchester Utility System on behalf of the city POTW shall administer, implement and enforce the provisions of the chapter. (1983 Code, § 8-201, as replaced by Ord. #655, June 1993)

18-102. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) "Approval authority" - The Tennessee Department of Environment and Conservation, Division of Water Pollution Control and/or any authorized representative thereof.
- (3) "Authorized representative" - An authorized representative of a user may be: (a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation, (b) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the city may be any person designated by the city to act on its behalf.

(4) "Available" - As used in connection with this chapter means a public sewer located at the property line or point at which connection may be made with the city sanitary sewage collection facilities.

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

(6) "Board" - The Winchester Utility System, its Board of Directors, or the Manager of the POTW or his/her designee.

(7) "Building sewer permit" - As set forth in "Building Sewers and Connections" (Section 18-105).

(8) "Categorical standards" - National Categorical Pretreatment Standards or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.

(9) "City" - The City of Winchester, Tennessee, its council or mayor or his/her designee, or manager of the Winchester Utility System.

(10) "Combined sewer" - Any conduit carrying both sanitary sewage and storm water or surface water.

(11) "Compatible pollutant" - Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus additional pollutants that the POTW is designed to treat and, in fact, does treat to the degree required by the POTW's NPDES permit.

(12) "24-Hr., flow proportioned composite sample" - A combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

(13) "Control authority" - The term shall refer to the "approval authority" defined hereinabove; or the manager of the POTW or his/her designee if the city has an approved pretreatment program under the provisions of 40 CFR 302.11.

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

(15) "County health department" - The Health Department for Franklin County.

(16) "Dilution stream" - Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, subchapter N.

(17) "Direct discharge" - The discharge of treated or untreated wastewaters directly to the waters of the State of Tennessee.

(18) "Easement" - An acquired legal right for the specific use of land owned by others.

(19) "Environmental Protection Agency or EPA" - The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or his/her duly authorized representative of said agency.

(20) "Equipment" - All movable, non-fixed items necessary to the wastewater treatment process.

(21) "Federal pretreatment standards" - Federal regulations for pretreatment of industrial wastewater under 40 CFR, subchapter N and any applicable regulations, as amended.

(22) "Garbage" - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

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

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

(25) "Incompatible pollutant" - All pollutants other than compatible pollutants as defined in its section.

(26) "Indirect discharge" - The discharge or the introduction of pollutants into a POTW from an nondomestic source regulated under Section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

(27) "Industrial user" - A source of indirect discharge.

(28) "Industrial waste" - The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.

(29) "Interceptor" - A device designed and installed so as to separate and retain deleterious hazardous and undesirable matter from domestic wastes while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

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

(31) "Manager" - The manager of wastewater facilities, and/or of Publicly Owned Treatment Works (POTW) and/or of water pollution control for

the Winchester Utility System or his/her authorized deputy, agent or representative.

(32) "Maximum daily concentration" - The maximum concentration per day of pollutant based on the analytical results obtained from a 24-hour composite sample.

(33) "May" - This is permissive.

(34) "National Pollutant Discharge Elimination System or NPDES Permit" - A permit issued pursuant to Section 402 of the Act (33 USA 1332).

(35) "Natural outlet" - Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(36) "New source" - Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(37) "Operation and maintenance expenses" - All annual operation and maintenance expenses including replacement cost related directly to operating and maintaining the sewage works as shown by annual audit.

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

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

(40) "pH" - The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

(41) "Pollutant" - Any 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 wastes discharged into water.

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

(43) "POTW treatment plant" - That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(44) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(45) The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).

(46) "Pretreatment requirements" - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a significant industrial user.

(47) "Prohibitive discharge standard" - Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

(48) "Properly shredded garbage" - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

(49) "Publicly owned treatment works (POTW)" - A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this chapter "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the jurisdiction of the city who are users to the city's POTW.

(50) "Public sewers" - A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

(51) "Replacement" - Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(52) "Sanitary sewer" - A sewer that carries liquid and water borne wastes from residences, commercial buildings, industrial plants and institutions.

(53) "Sewage" - The spent water of a community. Domestic or sanitary waste shall mean the liquid or water borne wastes from residences, commercial buildings and institutions and is distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

(54) "Sewage system or works" - All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

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

(56) "Sewer service or lateral" - The extension from the building or house drain to the public sewer or other place of disposal, also called "connection."

(57) "Sewer user charges" - A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

(58) "Shall" - This is mandatory.

(59) "Significant industrial user" - Any user of the city's wastewater disposal system who (a) is subject to a categorical Pretreatment Standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or (b) has an average discharge flow of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non contract cooling and boiler blowdown wastewater); or (c) has a flow greater than 5 percent or more of average dry weather hydraulic or organic capacity of the POTW treatment plant; or (d) has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or (e) is found by the city, state approval authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(60) "Significant violation" - A violation that meets one or more of the following criteria:

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

(b) Technical review criteria (TRC) - Violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the manager 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 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 to halt or prevent such a discharge;

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

(f) Failure to provide, within 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 the Manager determines will adversely affect the operation or implementation of the local pretreatment program.

(61) "Slug discharge" - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

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

(63) "State" - The State of Tennessee.

(64) "Storm drain or storm sewer" - A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

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

(66) "Submission" - A request by a(n) (a) POTW for approval of a pretreatment program to the EPA; (b) POTW to the EPA to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or (c) NPDES State to the EPA for approval of its state pretreatment program.

(67) "Surcharge" - A charge for service in addition to the basic sewer user and debt service charge, for those users whose contribution contains biochemical oxygen demand (BOD), chemical oxygen demand (COD), suspended solids (SS) or ammonia nitrogen (NH₃N) in concentrations which exceed limits specified herein for such pollutants

(68) "Suspended solids (TSS)" - Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard

Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

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

(70) "Unpolluted water" - Water of quality equal to or better than the treatment works effluent criteria in effects or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(71) "User" - Any person who contributes, causes or permits the contribution of wastewater into the POTW. See definition of person.

(72) "User charge" - The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

(73) "Wastewater" - The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes. See Sewage.

(74) "Wastewater discharge permit" - As set forth in the administration section of this chapter.

(75) "Waste facilities" - The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(76) "Wastewater treatment works" - An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as "waste treatment plant" or "sewage treatment plant."

(77) "Watercourse" - A natural or artificial channel for the passage of water either continuously or intermittently.

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

Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-Biochemical Oxygen Demand
CFR	-Code of Federal Regulations
CWA	-Clean Water Act of 1977
EPA	-Environmental Protection Agency
l	-liter
mg/l	-milligram per liter (parts per million)
ug/l	-micron per liter (parts per billion)

NPEDS	-National Pollutant Discharge Elimination System
POTW	-Publicly Owned Treatment Works
SIC	-Standard Industrial Classification
SEDA	-Solid Waste Disposal Act (42 USC 6901, et. seq.)
TSS	-Total Suspended Solids
USC	-United States Code (1983 Code, § 8-202, as replaced by Ord. #655, June 1993)

18-103. Use of public sewers. (1) Mandatory sewer connection. (a) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(b) 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 wastewater where public sanitary sewer service is available, as defined in section 18-103(1)(a), except as provided for in "Private wastewater disposal" (section 18-104). The existence within the city wherever the services of the city sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available, of septic tanks, seepage laterals, privies, earth pits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes other than the facilities of the city, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the city and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in said city where the facilities of the city's sewage collection, treatment and disposal system are available or may hereafter be made available is similarly declared to be a menace to the public health and general welfare of the city and its inhabitants, unless such facilities are connected to the city sewage collection, treatment and disposal system. The manager may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and inspected by an authorized and qualified agent of the city sewer department, herein named the Winchester Utility System.

(c) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this chapter and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(2) Unlawful discharge to storm sewers or natural outlets. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or into any sewer which connects to the storm sewer system of the city, any objectionable wastewater or industrial wastes.

(b) It shall be unlawful to discharge to any natural outlet within the City of Winchester or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(3) Compliance - The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

(4) Discharge of unpolluted waters into sewer. (a) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The manager or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(b) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the manager. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(c) The owner(s) of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(5) Substances which interfere - No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall a wastestream exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and any substance which the city, state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(b) Any waters or wastes having a pH lower than 5 or higher than 9 or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(c) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(d) Solid or viscous substance in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

(e) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 104 degrees Fahrenheit (40 degrees Centigrade).

(f) Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(g) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to

be in non compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal, developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(h) Any substance which causes the POTW to violate its NPDES permit, sludge disposal permit or the water quality standards of the receiving stream.

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

(j) 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.

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

(6) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in section 18-103(5) and the specific prohibitions in paragraphs (5)(c), (5)(e), (5)(i), (5)(j) of this section where the users can demonstrate that:

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

(b)(i) A local limit designed to prevent pass-through and/or interference as the case may be, was developed in accordance with section 18-106(1) for each pollutant in the user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

(ii) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutants(s) that caused the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal. (1983 Code, §8-203, as replaced by Ord. #655, June 1993)

18-104. Private wastewater disposal. (1) Public sewer not available.

(a) Where a public sanitary sewer is not available under the provisions of Section 18-103, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal

system complying with the provisions of applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary, the sludge may be disposed of only as approved by the city, by operators licensed by the city for such purposes.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by applicable local, state or federal regulations.

(d) Industries with current NPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

(2) Requirements for installation. (a) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Franklin County Health Department after approval of the system by the local and state authorities if required. The application for such permit shall be made on a form furnished by the Franklin County Health Department which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Franklin County Health Department.

(b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. These authorities shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the manager when the work is ready for final inspection and before any underground portions are covered. (1983 Code, § 8-204, as replaced by Ord. #655, June 1993)

18-105. Building sewers and connections. (1) Permits. (a) There shall be two (2) classes of building sewer permits required; (i) for residential and (ii) for service to commercial, industrial and other nondomestic establishments. In either case, the owner or his agent shall make application on a special form furnished by the Winchester Utility System. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the manager or his agent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the Winchester Utility System at the time the application is filed.

(b) Users shall notify the manager of the POTW of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The manager may deny or condition this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources or ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

(3) Design and installation. 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 (4) inches.

(b) The preferred minimum depth of a building sewer shall be eighteen (18) inches. Unless special engineering conditions does not allow, then management of Winchester Utilities must provide approval.

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

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

(e) Building sewers shall be constructed only of (1) ductile iron pipe with compression joints; (2) polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or (3) such other materials of equal or superior quality as may be approved by the manager. Under no circumstances will cement mortar joints or clay pipe be acceptable for new installations.

(f) Cleanouts shall be located no more than five (5) feet outside of the building, one as it taps onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than eighty (80) feet apart in horizontal building sewers of four (4) inch nominal diameter

and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inch pipe.

(g) 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 manager. All such connections shall be made gas-tight and watertight.

(h) 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 1/8 inch 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.

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

(5) Maintenance. Each individual property owner or user of the POTW's system 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 manager to meet specifications of the city. (1983 Code, §8-205, as replaced by Ord. #655, June 1993, and amended by Ord. #809, Sept. 2003)

18-106. Pollutant discharge limits. (1) General conditions. The following described substances, materials, waters, or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Manager may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, as the quantity of subject waste in relation to flows and velocities in the sewers,

materials of construction of the sewers, the wastewater treatment process employed, capacity of wastewater treatment plant, and other pertinent factors.

(2) Restricted discharges. (a) Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(b) Wastewater from industrial plants, commercial business or other non-domestic connections containing floatable oils, fat, or grease, whether emulsified or not, in excess of 50 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0-65 degrees Centigrade).

(c) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a Federal Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager in compliance with applicable state and/or federal regulations.

(f) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(g) Any waste, water with objectionable color not removable in the POTW.

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW.

(i) Any water or wastes which has characteristics based on a 24-hour composite sample, grab, or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations:

<u>Parameter</u>	<u>Daily maximum allowable Concentration Without Surcharge</u>
BOD	250 mg/l
TSS	300 mg/l
NH ₃ N	35 mg/l

Discharges greater, than these concentrations will be subject to surcharge fees contained in the Sewer Rate Ordinance for City of Winchester.

(j) The city has received authority through the EPA and State statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR 403. All users shall comply with the requirements of those regulations as with all sections of this chapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of such discharge to the manager of the POTW. This notification must include the name of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The manager may deny or condition this discharge at any time.

(l) Any waste with a pH outside the range 6-9.

(3) Dilution of wastewater discharge. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with, the limitations contained in the federal Categorical Pretreatment Standards, or for any other pollutant-specific limitations developed by the city or the State of Tennessee.

(4) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases 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 manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Franklin County Health Department.

(5) Special industrial pretreatment requirements. (a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the EPA under 40 CFR Subchapter N and 40 CFR 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the manager. All persons receiving such permission shall abide by all applicable provisions that may be established by the manager as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer shall pay fees for such discharge in accordance with a fee schedule established by the manager and approved by the Winchester Utility System. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system or any building sewer or other facility that discharges to the public sewer systems except at points of discharge designated by the manager for such purposes. Any liquid waste hauler shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in section 18-111. Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with County Health Department, State or Federal regulations.

(6) Protection from accidental and slug discharges. (a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years the manager will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the manager decides that a slug control plan is needed, the plan shall contain the following:

- (i) description of discharge practices
- (ii) description of stored chemicals
- (iii) procedures for notifying the POTW
- (iv) prevention procedures for spills

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

(b) Within five (5) days following an accidental and/or slug discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter, the enforcement response plan or other applicable law or regulation.

(c) A notice shall be permanently posted on the user's or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharges to occur are advised of the emergency notification procedures.

(7) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal regulations and limitations or those in this chapter.

(8) City's right to revision. The city or its representatives reserves the right to establish, by a majority vote of its commissioners, more stringent limitations or requirements on discharges to the POTW at the recommendation of the manager or if deemed necessary comply with the objectives presented in this chapter.

(9) Federal categorical pretreatment standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. (1983 Code, §8-206, as replaced by Ord. #655, June 1993)

18-107. Pretreatment program administration.

(1) Wastewater discharges. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the manager in accordance with the provisions of this chapter. Any agency and/or industries outside the jurisdiction of the city that wish to contribute wastewaters to the

POTW must first sign (through an authorized representative) an interjurisdictional agreement whereby the agency an/or user agrees to be regulated by all provisions of this chapter, state and federal regulations. An industrial user discharge permit may then be issued by the manager in accordance with section 18-107(2).

(2) Industrial user discharge permits. (a) General. All significant industrial users proposing to connect to or contribute to the POTW shall obtain an industrial user discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an industrial user discharge permit within thirty (30) days of the effective date of this chapter.

(b) Permit application. Users significant industrial users proposing to connect to or contribute to the POTW shall obtain an industrial user discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for industrial user discharge permit within thirty (30) days of the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information, in addition to any other information the manager may desire:

(i) Name, address and location of facility, and owner(s) if different from that given;

(ii) Sic number(s) according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;

(iii) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended and 40 CFR 261;

(iv) Time and duration of contribution;

(v) Daily average and maximum wastewater flow rates, including daily, monthly and seasonal variations if any;

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

(vii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or

federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(ix) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule.

(A) The schedule must be acceptable to the city.

(B) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established.

(x) Each project produced by type, amount, process and rate of production;

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

(xii) Number of employees and hours of operation of plant and proposed or actual hours of operation of the pretreatment system;

(xiii) A copy of the industry's written environmental control program, comparable document or policy;

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

(c) Issuance of industrial user discharge permit. The manager shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the manager may issue an industrial user discharge permit subject to the terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the Industrial User Discharge Permit of any user subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by such

standard. Where a user subject to federal categorical pretreatment standards has not previously submitted an application for an industrial user discharge permit as required, the user shall apply for the permit within ninety (90) days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing industrial user discharge permit shall submit to the manager within nine (90) days of the date of promulgation of an applicable federal categorical pretreatment standard the information required by this chapter.

(4) Permit conditions. (a) Industrial user discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following.

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer system;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

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

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling to be performed, types and standards of analysis and reporting schedules;

(vi) Compliance schedule(s);

(vii) Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the city for a minimum of three years, and afford city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents of any substantial change in the volume or character of the wastewater treatment system;

(ix) Requirements for notification of slug discharges;

(x) Requirements for the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the manager and deemed necessary by the city to verify that the user is in compliance with the said permit;

Statement of duration (in no case more than five years);

(xi) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(xii) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(xiii) Self-monitoring sampling, reporting notification and record keeping requirements, including an identification of the

pollutants to be monitored sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;

(xv) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(xvi) Any other conditions as deemed appropriate by the manager and/or the city to ensure compliance with this chapter.

(b) Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the manager. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the combined wastestream formula and/or flow-weighted average formula given in 40 CFR 403.6(e). Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the manager may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the manager thirty (30) days in advance of any change in production levels that might effect the flow or other data used to calculate the effluent limits in the discharge permit.

(5) Permit duration. Industrial user discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified in section 18-106 are modified or other just cause exists. The user shall be informed of any proposed changes in their 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 frame for compliance.

(6) Permit transfer. Industrial user discharge permits are issued to a specific user for a specific operation. An industrial user discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different

premises or a new or changed operation without, at a minimum, a thirty-day prior notification of the change to the manager and provision of a copy of the existing permit to the new owner. The manager may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this chapter.

(7) Reporting requirements for permittees. (a) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

(b) Periodic compliance reports. (i) All significant industrial users shall submit to the manager during the months of June and December, unless required more frequently by a pretreatment standard, or the industrial user discharge permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the industrial user discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(ii) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with techniques approved by the EPA.

(iii) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April

1977, and amendments thereto, or with any other sampling and analytical procedures approved by the EPA.

(iv) All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12(0)(2).

(c) Baseline monitoring reports. (i) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in section 18-107(7)(c)(ii), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in section 18-107(7)(c)(ii), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(ii) The industrial user shall submit the information required by this section including:

(A) Identifying information - The name and address of the facility including the name of the operator and owners.

(B) Wastewater discharge permits - A list of any environmental control wastewater discharge permits held by or for the facility.

(C) Description of operations - A brief description of the nature, average rate of production, and standard industrial classifications 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 - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(E) Measurement of pollutants -

(1) Identify the categorical pretreatment standards applicable to each regulated process.

(2) Submit the results on all sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 18-107(7)(b).

(3) Sampling must be performed using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the manager may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(4) Samples for oil and grease, temperature, PH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(F) Certification - A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis -- and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(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. A compliance schedule pursuant to this section must meet the requirements set out in section 18-107(2)(b)(ix).

(H) All baseline monitoring reports must be signed and certified in accordance with section 18-107(10).

(iii) All new sources of industrial discharge must be in compliance with all provisions of this chapter prior to commencement of discharge.

(d) Notification of the discharge of hazardous waste. (i) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under section 18-107(4)(b), above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of section 18-107(7)(c), above.

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

(iii) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(iv) In the case of any notification made under this section, the industrial user shall certify that it has a program in

place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(8) Permit violations. All significant industrial users must notify the manager within 24 hours of first becoming aware of a permit violation. This notification shall include the date of the violation, the parameter violated and the amount in exceedance. Within 30 days of first becoming aware of a permit violation, the significant industrial user must resample for the parameter(s) violated and submit this sample analysis to the manager, unless the manager, on behalf of the city, conducts monitoring of this parameter within the 30-day period.

(9) Monitoring requirements. (a) The city shall require significant industrial users to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The manager shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following approval of the location plans and specifications.

(b) All sampling analyses done in accordance with approved EPA procedures by the significant industrial user during a reporting period shall be submitted to the manager, regardless of whether or not that analysis was required by the user's discharge permit.

(c) The significant industrial user must receive the approval of the manager before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(10) Certification statement. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in

accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(11) Inspection and sampling. The manager shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying and examination of records or in the performance of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific duties.

(12) Pretreatment. (a) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable federal categorical pretreatment standards within the time limits as specified by the Federal Pretreatment Regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the user's industrial user discharge permit. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the manager for review, and shall be acceptable to the manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or

method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the change.

(b) The city is required by federal regulations to keep the public informed of all cases of significant violations. To accomplish this, the city shall annually publish in a newspaper of local circulation a list of the users which were in significant noncompliance with any pretreatment requirements or standards. Significant noncompliance is any significant violation that meets one or more of the following conditions:

(i) Results in the exercise of emergency authority by the manager;

(ii) Remains uncorrected 45 days after notice of noncompliance is given;

(iii) Involves failure to report noncompliance accurately;

(iv) Wastewater Violations:

(A) Chronic violations - Sixty-six (66%) percent or more of all measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

(B) Technical review criteria (TRC) Violations- Thirty-three (33%) percent or more of all measurements for each pollutant parameter taken during six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRX (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);

(C) Any violation of a pretreatment effluent limit that the manager believes has caused alone or in combination with other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public;

(D) Any discharge causing imminent endangerment to human health or to the environment or resulting in the manager's use of this emergency authority to halt or prevent such a discharge;

(E) Violations of compliance schedule milestones failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;

(F) Failure to provide required reports within 30 days of the due date;

(G) Failure to accurately report noncompliance;

(H) Any violation or group of violations which the manager determines will adversely effect the operation or implementation of the local pretreatment program. The

public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the city shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(o)(2).

(13) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES Permit, and/or the pretreatment program upon request of the agency. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the persons furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction. (1983 code, §8-207, as replaced by Ord. #655, June 1993)

18-108. Fees. (1) Purpose. This section provides for the recovery of costs from users of the POTW for the implementation and conduct of the pretreatment program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include the following:

- (a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit application;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (g) Other fees as the city may deem necessary to carry out the requirements contained in this chapter;

(h) Fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(i) Charges shall be comprised for a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs. (1983 Code, §8-208, as replaced by Ord. #655, June 1993)

18-109. Powers and authority of inspectors. (1) Right to enter premises. The manager and other duly promulgated employees and representatives of the city and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this chapter.

(2) Right to obtain information regarding discharge. Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(3) Access to easements. Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(4) Safety. While performing the necessary work on private properties referred to in section 18-109(1), all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee. The city shall secure 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 as required by this chapter. (1983 Code, §8-209, as replaced by Ord. #655, June 1993)

18-110. Enforcement. (1) General. The city through the manager or his/her designee, to insure compliance with this chapter, may take the following enforcement steps against users in noncompliance with this chapter. The

remedies available to the manager include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the manager of the POTW or his/her designee.

All violations of requirements of this chapter must be reviewed and responded to by the manager or his representative. In general, the manager shall notify the industrial user when a violation occurs. For all violations, the manager shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the manager's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city's pretreatment program enforcement response plan.

(2) Enforcement actions. (a) Informal notice - These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

(b) Formal Notice - These actions include the following:

(i) Notice of violation - Any person found to be violating any provision of this chapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW manager with a written notice stating the nature of the violation. The offender must permanently cease all violations.

(ii) Administrative orders/fines - Any person who, after receiving a notice of violation, continues to discharge in violation of this chapter or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a non-arbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the manager a request for the city to reconsider the fine within ten (10) days of being notified of the fine. The city shall convene a

hearing on the matter within fifteen (15) days of receiving such a request from the user.

The administrative order may take any of the following four forms:

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

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

Cease and desist order - When the manager finds that an industrial user has violated or continues to violate this chapter or any permit or other issued hereunder, the manager may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

(A) Comply forthwith;

(B) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Show cause hearing order - The manager may issue to any user who causes or contributes to violations of this chapter, discharge permit or other issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the manager regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the manager why more severe enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten

(10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The city itself may conduct the hearing and take evidence or may designate a representative to:

(A) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(B) Take the evidence;

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically.

The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued. (1983 Code, §8-210, as replaced by Ord. #655, June 1993)

18-111. Penalties. (1) Written notice. Any user found to be violating any provision of this chapter or a discharge permit or order issued hereunder shall be served by the manager or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in section 18-110, the notice may be of several forms. Also as contained in section 18-110, penalties of various forms may be levied against users for violations of this chapter. The penalties shall range from publication of violators to fines up to \$1,000 per day per violation.

(2) Continued violation. Any user who shall violate any provision of this chapter, a discharge permit or other order issued hereunder shall be guilty of a violation of this chapter and shall be liable to the manager for a civil penalty of up to \$1,000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

(3) Revocation of permit. Any user violating any of the provisions of this chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system.

Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this chapter, discharge permit, order or applicable state or federal regulations is subject to having its industrial user discharge permit revoked in accordance with the procedures of this chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
- (b) Failure of the user to report significant changes in operations, processes, wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and
- (d) Violation(s) of any condition of the industrial user discharge permit.

(4) Liability. Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City of Winchester for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(5) Misrepresentation and/or falsifying documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, reports, plan or other document filed or required pursuant to this chapter or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine of at least \$1,000 or by imprisonment for not more than twelve (12) months or by both.

(6) Destruction of POTW and legal action. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(7) Judicial action. If any person(s) discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, discharge permit, any order of the manager or the city, or federal or state pretreatment requirements, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(8) Termination of service. The manager may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the manager.

(9) Criminal prosecution. Any industrial user who willfully or negligently violates any provisions of this chapter, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 per violation per day or imprisonment for not more than one year or both. (1983 Code, § 8-211, as replaced by Ord. #655, June 1993)

18-112 Validity. (1) Inconsistent or conflicting ordinances. All other ordinances and parts of other ordinances which are inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(2) Separation clause. The invalidity of any section, clause, sentence or provision of this chapter shall not effect the validity of any other part of this chapter which can be given effect without such invalid part of parts. (1983 Code, § 8-212, as replaced by Ord. #655, June 1993)

CHAPTER 2

CROSS CONNECTION POLICY¹

SECTION

- 18-201. Definitions.
- 18-202. Compliance with Tennessee Code Annotated.
- 18-203. Regulated.
- 18-204. Permit required.
- 18-205. New installations.
- 18-206. Existing installations.
- 18-207. Inspections.
- 18-208. Right of entry for inspections.
- 18-209. Correction of violations.
- 18-210. Required devices.
- 18-211. Nonpotable supplies.
- 18-212. Statement required.
- 18-213. Fees.
- 18-214. Penalty; discontinuance of water supply.
- 18-215. Provision applicable.

18-201. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(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 inside diameter of the water supply line, but in no case less than two (2") inches. Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two (2") inches.

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

(3) "Auxiliary intake" shall mean any water supply, on or available to a premise, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

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

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

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

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

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

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection system" shall be classified in six different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

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

Class 3 shall be those with direct connection from public water supply mains, plus one or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within 1700 ft. of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

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.

(12) "Interconnection" shall mean any system of piping or other arrangements 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 system.

(13) "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.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

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

(16) "Public water supply" shall mean the Winchester Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

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

(18) "Manager" shall mean the Manager of the Winchester Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the Winchester Water System and the customer system.

(a) The Winchester Water system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the Winchester Water system, up to the customer's side of the water meter.

(b) The customer shall include those parts of the facilities beyond the termination of the Winchester Water system distribution system that are utilized in conveying domestic water to points of use. (1983 Code, § 8-301, as replaced by Ord. #785, Aug. 2001)

18-202. Compliance with Tennessee Code Annotated. The Winchester Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Winchester Water System shall comply with Section 68-221-711 of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1983 Code, § 8-302, as replaced by Ord. #785, Aug. 2001)

18-203. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Winchester Water System unless the water supply system is protected as required by state laws and this policy. Service of water to any premises shall be discontinued by the Winchester Water system if a backflow prevention device required by this policy is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross

connection is at all times under the direction of the manager of the Winchester Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Winchester Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this policy. (1983 Code, § 8-303, as replaced by Ord. #785, Aug. 2001)

18-204. Permit required. (1983 Code, § 8-304, as replaced by Ord. #785, Aug. 2001)

18-205. New installation. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Winchester Water System for approval and/or payment of required fee.

An Installation/Maintenance Tag shall be installed on the device following installation and testing, and shall be removed only by personnel from the Winchester Water System at the time of inspection. One copy of the Cross-Connection Control Devices Test Report shall be submitted to the Winchester Water System upon completion of the installation and testing. (1983 Code, § 8-305, as replaced by Ord. #785, Aug. 2001)

18-206. Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval and a Cross Connection Devices Test Report and an Installation/Maintenance Tag from the Winchester Water System. The installation/maintenance tag shall be installed on the device following alteration, repair and/or testing, and shall only be removed by personnel from

the Winchester Water System. (1983 Code, § 8-306, as replaced by Ord. #785, Aug. 2001)

18-207. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection shall be based on potential health hazards involved, and shall be established by the Winchester Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (1983 Code, § 8-307, as replaced by Ord. #785, Aug. 2001)

18-208. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Winchester Water System public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (1983 Code, § 8-308, as replaced by Ord. #785, Aug. 2001)

18-209. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the manager or his representative, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Winchester Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this policy and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1983 Code, § 8-309, as replaced by Ord. #785, Aug. 2001)

18-210. Required devices. (1) Where the nature of the use of water supplied to a premises by the Winchester Water System is such that it is deemed:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Winchester Water that the water use and protective features of the plumbing are such as to pose no threat to the safety or porability of the water;
- (c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well enters the premises served by the public water system, then the Winchester Water shall require the use of an approved protective device on the water service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(2) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation of the Winchester Water, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Winchester Water prior to installation and shall comply with the criteria set forth in this policy. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all commercial and educational buildings, construction sites, all industrial, institutional and medical facilities, all fountains, lawn irrigation systems, wells,

water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten (10) feet horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

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

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

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

(4) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the Winchester Water, and shall permit direct connection to department test equipment.

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

(c) All devices shall be placed in the upright position in a horizontal run of pipes.

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

(e) Reduced pressure backflow prevention devices shall be located a minimum of twelve (12") inches plus the nominal diameter of the device above either:

- (i) The floor,
 - (ii) The top of opening(s) in the enclosure or
 - (iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty (60") inches.
- (f) Clearance from wall surfaces or other obstructions shall be at least six (6") inches. Devices located in non-removable enclosures shall have at least twenty-four (24") inches of clearance on each side of the device for testing and repairs.
- (g) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.
- (h) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one (1") inch.
- (i) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.
- (j) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.
- (k) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.
- (l) Enclosures for outside installations shall meet the following criteria:
- (i) All enclosures for backflow prevention devices shall be as manufactured by Hydrocal or an approved equal.
 - (ii) For backflow prevention devices up to and including two (2") inches, the enclosure shall be constructed of.

SAMPLE SPECIFICATION

5052-H32 aluminum, or an approved equal material, with a minimum of 1.5" factory manufactured polyisocyanurate insulation in the walls and roof. For backflow prevention devices 2-1/2" and larger the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of 1.5" factory manufactured polyisocyanurate insulation in the walls and 3" factory manufactured polyisocyanurate insulation in the roof.

To complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

- (iii) To provide access for backflow prevention devices up to and including two (2") inches, the enclosure shall be completely removable. Access for backflow prevention devices 2-1/2" and

larger shall be provided through a minimum of two access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad as specified by the manufacturer, but in no case less than four (4") inches thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of +40⁰ F with an outside temperature of -30⁰ F and a wind velocity of 15 miles per hour.

(m) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one device has been installed and the continuance of service is critical, the Winchester Water shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Winchester Water may require the installation of a duplicate device.

(n) The Winchester Water shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the Winchester Water. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof; so as to render a device ineffective shall constitute a violation of this policy and shall be 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 Winchester Water.

(6) (a) Testing of devices. Devices shall be tested at least annually by the Winchester Water by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Winchester Water and a copy

of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises.

(b) The charge for annual testing, inspection of installation or modification will be \$25.00. (1983 Code, § 8-310, as replaced by Ord. #785, Aug. 2001)

18-211. Nonpotable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this policy. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1") inch high located on a red background. Color coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Winchester Water, such coding is necessary to identify and protect the potable water supply. (as added by Ord. #785, Aug. 2001)

18-212. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Winchester Water a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #785, Aug. 2001)

18-213. Fees. A fee shall be assessed for all backflow prevention devices requiring inspection or testing. The amount of this fee shall be set and adjusted by the Winchester Water based on the recommendations of the manager to reflect the cost of providing an effective cross connection control program. The fee shall be assessed each time a device is installed, tested or inspected. Where repeated inspections are required to correct violations or deficiencies, the fee

shall be assessed each time the inspection is repeated. The fees assessed shall be as follows:

- (1) Inspection fee \$25.00. (as added by Ord. #785, Aug. 2001)

18-214. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this policy may be deemed guilty of a misdemeanor and subject to be fined \$50.00 dollars each day of continued violation.

- (2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #785, Aug. 2001)

18-215. Provision applicable. The requirements contained in this policy shall apply to all premises served by the Winchester Water System and are hereby made part of the conditions required to be met for the Winchester Water System to provide water services to any premises. The provisions of this policy shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the policy is entitled to a due process hearing upon timely request. (as added by Ord. #785, Aug. 2001)