

## TITLE 18

### WATER, SANITARY SEWERS AND STORM SEWERS<sup>1</sup>

#### CHAPTER

1. WATER DIVISION.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. WATER AND SANITARY SEWER SERVICE RULES AND REGULATIONS.
5. WATER SERVICE RULES AND REGULATIONS.
6. SANITARY SEWER SERVICE RULES AND REGULATIONS.
7. WATER AND WASTEWATER CONSTRUCTION SPECIFICATIONS.
8. RULES, RATES, AND FEES FOR THE STORMWATER UTILITY.

#### CHAPTER 1

#### WATER DIVISION

#### SECTION

- 18-101. Creation and operation.
- 18-102. Rules, regulations, and rates.
- 18-103. Damage, unauthorized use, and interference with water equipment and supply.
- 18-104. Water usage regulated during periods of shortage.

**18-101. Creation and operation.** There is hereby created a waterworks division which shall be under the direction of the Public Works Director, who shall be responsible for the preparation and distribution of water both within and without the city and for the sale of water to consumers. (1971 Code, § 13-201)

**18-102. Rules, regulations, and rates.** The city manager shall prepare rules, regulations, and rates for approval by the board of commissioners. Said rules, regulations, and rates shall be adopted by ordinance of the board of commissioners and may be revised, amended or otherwise changed from time to time by ordinance. Copies of said rules, regulations and rates shall be

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

The name of this title was changed by Ord. #04-041, Nov. 2004.

available at the municipal building of the city. (1971 Code, § 13-202, as amended by Ord. #15-365, Oct. 2015)

**18-103. Damage, unauthorized use, and interference with water equipment and supply.** No person shall deface, injure, or obstruct access to any fixture connected with or pertaining to the waterworks, or use city water for a purpose for which he has neither paid nor obtained a license. No person shall bathe in the reservoirs or deposit any offensive matter in the reservoirs or place any deleterious substance on the water sheds or in any stream of any water shed or reservoir. No person without lawful authority shall climb over or get through the enclosures of such reservoirs or water sheds. (1971 Code, § 13-203)

**18-104. Water usages regulated during periods of shortage.**

(1) When the flow downstream at City of Alcoa withdrawal operations in Little River at mile 9.7 is thirty (30) Cubic Feet per Second (CFS) or less or when the flow downstream of the City of Maryville withdrawal operations in Little River at mile 17.3 is less than thirty-seven and six-tenths (37.6) CFS, then Alcoa will appeal to the water customers of the system through the news media for voluntary water conservation. During periods of drought, the City of Alcoa will work cooperatively with the City of Maryville and Tuckaleechee Utility District (hereinafter, along with the City of Alcoa, collectively referred to as "the utilities") to regulate and conserve water usage.

(2) All further requests for water conservation and/or curtailment of water use shall be based on the available water supply from all sources including, but not limited to, auxiliary raw water supply lines and supply connections from other water providers and the ability of the utilities' distribution system to maintain proper levels in their respective water storage tanks/reservoirs.

(3) It is the intent of this section to address water supply both during:

- (a) Drought conditions; and
- (b) Other emergency conditions that may limit the available potable water within one (1) or more of the utilities' water distribution systems.

Each of the utilities shall maintain operational control within its own system to implement water usage controls during a period of source water shortage or other catastrophic event when any such period of source water shortage or other catastrophic event affects their respective system exclusively or cooperatively when deemed necessary by the Mayors and/or City Managers of Alcoa and Maryville or the TUD District Manager. Further actions requesting water use reductions are based on the following:

- (a) When the potable water demand to allow the utilities' tanks/reservoirs to remain full is eighty-five percent (85%) or less than the total available potable water supply from all sources, then voluntary water

conservation measures shall be put into effect; no other measures to encourage or require conservation will be taken.

(b) When the potable water demand to allow the utilities' tanks/reservoirs to remain full is greater than eighty-five percent (85%) and less than ninety-five percent (95%) of the total available potable water supply available from all sources, then measures will be implemented to eliminate use for "non-essential purposes" as defined below.

(c) When the potable water demand to allow the utilities' tanks to remain full is greater than or equal to ninety-five percent (95%) and less than one hundred percent (100%) of the total available potable water supply available from all sources, then industrial and commercial customers will be required to implement water conservation measures as defined below.

(d) Water conservation definitions. (i) Voluntary water conservation measures. "Voluntary water conservation measures" means a call for water customers to voluntarily decrease their use of potable water to assist in alleviating the current source water shortage. Voluntary water conservation demand measures may include any and all measures to reduce potable water consumption by customers of the respective utilities.

(ii) Non-essential purposes. The term "non-essential purposes" shall include, but not necessarily be limited to, the filling of swimming pools, residential car washing, operation of display fountains and the watering of trees, lawns, gardens and other vegetation. However, upon application and good cause shown, one (1) or more of the utilities may issue a temporary limited watering permit, upon such terms and conditions as the respective utility deems appropriate, for:

(A) Landscaping installed less than six (6) months prior to the implementation of water conservation measure; and/or

(B) Commercial nurseries; such permits shall be for a duration of less than thirty (30) days.

Such temporary limited watering permits may be extended upon application to the utility and for good cause shown, any such extension not to exceed the time of the initial permit. The elimination of water usage for "non-essential purposes" shall be included in a call for mandatory water conservation measures.

(iii) Industrial and commercial water conservation measures. When called for, "industrial and commercial water conservation measures" shall require industrial and commercial customers, excluding medical care facilities, to reduce their water usage by at least ten percent (10%) of their average daily

consumption until notice is given that the restriction is no longer in effect.

(4) When any of the conditions specified in subsections (1), (2) and (3) of this section are existing or eminent, official notice of these restrictions will be given promptly to the public through the local news media. The city will also notify its larger customers of the emergency via telephone calls, U.S. Mail, electronic messages, and/or other practical means of communications.

(5) It shall be unlawful for any person, firm, association, partnership or corporation to violate or fail to comply with any of the provisions of this section, and any person, firm, association, partnership or corporation shall upon conviction of any violation be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each separate offense. Each day that a violation occurs shall be construed a separate offense and punished accordingly. (as added by Ord. #07-141, Aug. 2007, and amended by Ord. #07-144, Oct. 2007, and Ord. #10-245, Dec. 2010)

## CHAPTER 2

### SEWAGE AND HUMAN EXCRETA DISPOSAL

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Discharge regulations.
- 18-205. Private sewage disposal and holding tank waste disposal.
- 18-206. Charges and fees.
- 18-207. Use of public sewers required.
- 18-208. Wastewater discharge permits.
- 18-209. Wastewater dischargers require permit.
- 18-210. Reporting requirements for permittee.
- 18-211. Monitoring facilities.
- 18-212. Inspection and sampling.
- 18-213. Pretreatment.
- 18-214. Confidential information.
- 18-215. Public notification.
- 18-216. Building sewers and connections.
- 18-217. Grease, oil and sand traps and separators.
- 18-218. Enforcement.

**18-201. 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 Alcoa, Tennessee, hereinafter known as the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended and the State of Tennessee's General Pretreatment Regulations and the Federal Pretreatment Regulations (40 C.F.R., part 403).

The objectives of this chapter are:

- (1) To protect the public health;
- (2) 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 or biosolids.
- (3) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- (4) To improve the opportunity to recycle and reclaim wastewaters, biosolids and sludges from the system; and
- (5) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, 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 Alcoa 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 city manager or his representative shall administer, implement, and enforce the provisions of this chapter. The City Manager of the City of Maryville or his representative shall act as the control authority, administering, implementing, and enforcing the provisions of this chapter directly related to the operation and maintenance of the jointly-owned regional wastewater treatment plant and as required by state and federal statutes. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-202. 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) "Administrative penalty." A punitive monetary charge unrelated to actual treatment costs which is assessed by the control authority rather than a court of law.

(3) "Administrative order." A document which orders the violator to perform a specific act or refrain from an act. For example, an order may require users to attend a show cause hearing, cease and desist discharging or undertake activities pursuant to a compliance schedule.

(4) "Administrator." The administrator of the Environmental Protection Agency.

(5) "Appeal authority." Regarding decisions of the control authority, the local appeal authority shall consist of the current members of the Council of the City of Maryville, whose chairman shall be the mayor, or any member(s) of the city council or any officer(s) or employee(s) of the city so designated as the appeal authority by the city council. The appeal authority shall conduct hearings concerning appeals of the decisions of the hearing authority.

(6) "Approval authority." The Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation (TDEC). The approval authority is responsible for approval and oversight of the control authority pretreatment programs, including the evaluation of the effectiveness of local enforcement.

(7) "Authorized representative" of an industrial user." (a) If the user is a corporation:

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

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

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

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

(d) The individuals described in subsections (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.

(8) "Best Management Practices (BMPs)." The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 18-202.1 [40 C.F.R. 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(9) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (20° C) (68 degrees Fahrenheit) expressed in terms of weight [pounds per day (lb/day)] and concentration [milligrams per liter (mg/l)].

(10) "Biosolids." Sludge which complies with the requirements of 40 C.F.R. part 503 and is applied to the land in order to condition the soil or fertilize crops and/or vegetables.

(11) "Burden of proof." The duty of proving a disputed assertion or charge in a court of law.

(12) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning three feet (3') outside the inner face of the building wall.

(13) "Building sewer." That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a POTW, private sewer, individual sewage disposal system or other point of disposal.

(14) "Bypass." The intentional diversion of wastestreams from any portion of a user's treatment facility.

(15) "Categorical standards" or "categorical pretreatment standards." National categorical pretreatment standards or pretreatment standard.

(16) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(17) "Cease and desist order." An administrative order directing a user to immediately halt illegal or unauthorized discharges.

(18) "Chronic violation." The term used to describe violations of a wastewater discharge permit when the limit for any one (1) parameter listed in the permit is exceeded by any magnitude for sixty-six percent (66%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six month rolling quarter period covered by the semi-annual report required by the approval authority.

(19) "City." The City of Alcoa, Tennessee.

(20) "City manager." The person designated by the city to supervise the operation of the POTW and whom this section charges with certain duties and responsibilities, or his duly authorized representative.

(21) "Compatible pollutant." Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment works NPDES permit where the publicly owned treatment works is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

(22) "Compliance order." An administrative order directing a non-compliant user to achieve or restore compliance by a date specified in the order.

(23) "Compliance schedule." A schedule of required activities (also called milestones) necessary for a user to achieve compliance with all pretreatment program requirements with dates for achieving each milestone.

(24) "Composite sample." "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several wastewater portions during

a twenty-four (24) hour period in which the portions are proportional to the flow and combine to form a representative sample.

(25) "Consent order." An administrative order embodying a legally enforceable agreement between the control authority and the non-compliant user designed to restore the user to compliance status.

(26) "Control authority." The City Manager of the City of Alcoa or its designated representative, or, in the case of a significant industrial user, the City Manager of the City of Alcoa or its representative.

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

(28) "Criminal intent." A state of mind which is a necessary element of all crimes. Criminal intent may be general (intent to perform an act) or specific (intent to break a law).

(29) "Criminal prosecution." A criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment or both.

(30) "Customer." Any individual, partnership, corporation, co-partnership, company, joint stock company, trust, estate, government entity, or any other legal entity or their legal agents or assigns who receives sewer service from the city under either an expressed or implied contract requiring payment to the city for such service. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

(31) "Daily average loading." The average over a three (3) month period of waste constituents found in a 24-hour period in the sewage entering the influent of the POTW treatment plant.

(32) "Discovery." A variety of pretrial devices used by one (1) party to obtain relevant facts and information about the case from the other party.

(33) "Domestic waste(s)." Liquid wastes:

(a) From the non-commercial preparation, cooking, and handling of food; or

(b) Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

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

(35) "Federal categorical pretreatment standard" or "pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(36) "Felony." A crime punishable by imprisonment for greater than one (1) year (depending on state law).

(37) "Fees." A schedule of charges imposed to recover treatment and or administrative costs (not punitive in nature).

(38) "Fine." A punitive monetary charge for a violation of the law. Often used synonymously with "penalty," although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

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

(40) "Grab sample." A sample which is taken from a waste stream on a one-time basis, over a period of time not exceeding fifteen (15) minutes.

(41) "Hearing authority." The administrative board responsible for the administration and enforcement of an approved pretreatment program and the provisions of Tennessee Code Annotated, §§ 69-3-123 through 69-3-129. The local hearing authority shall consist of the City Manager of the City of Maryville, and any member(s) of the city council or any officer(s) or employee(s) of the City of Alcoa or City of Maryville so designated as the hearing authority by the Maryville City Manager. The hearing authority shall conduct hearings concerning the pretreatment program in accordance with Tennessee Code Annotated, §§ 69-3-123 through 69-3-129.

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

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

(44) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 502 of the Act (33 U.S.C. 1342).

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

(46) "Jurisdiction." The extent of authority of a governmental entity's power to make and enforce laws.

(47) "Litigation." An enforcement action brought by a judicial (court) forum.

(48) "Misdemeanor." A crime punishable by imprisonment of less than one (1) year (depending on state law).

(49) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater."

(50) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is thereafter promulgated within one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard. In order to be considered a new source the following provisions must be met:

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

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

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

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

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

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

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

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

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase contracts which can be terminated or modified without substantial loss and

contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

(51) "National Pollutant Discharge Elimination System" or "NPDES permit." A permit issued to section 402 of the Act (33 U.S.C. 1342).

(52) "Normal sewage." Sewage shall be regarded as normal for the city, if analyses show a daily average loading of not more than three hundred milligrams per liter (300 mg/l) of BOD<sub>5</sub>; not more than eight hundred milligrams per liter (800 mg/l) of COD; not more than three hundred milligrams (300 mg) of total suspended solids; not more than thirty milligrams per liter (30 mg/l) of ammonia-nitrogen; not more than sixty milligrams per liter (60 mg/l) of total Kjeldahl nitrogen; and not more than one hundred milligrams per liter (100 mg/l) of ether soluble matter (oil and grease).

(53) "Notice of violation." A control authority document notifying a user that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the control authority expects the violation to be corrected within a short period of time.

(54) "Pass-through." Violation of the state issued pass-through limits established for the discharge from the POTW treatment plant.

(55) "Penalty." A monetary or other punitive measure, usually associated with a court action, for a violation of the law. The term is synonymous with "fine."

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

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

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

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

(60) "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. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 C.F.R. section 403.6(d).

(61) "Priority pollutants." A list of one hundred twenty-six (126) pollutants established by EPA and considered hazardous to the environment or to humans.

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

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

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

(65) "POTW treatment plant." The portion of the POTW designed to provide treatment to wastewater.

(66) "Sanitary sewer." A sewer which carries sewage from dwellings (including apartment houses and hotels) office buildings, factories, or institutional buildings and into which storm, surface, and ground-water are not intentionally admitted.

(67) "Sewer." A pipe or conduits for carrying sewage and other waste liquids.

(68) "Shall" is mandatory; "may" is permissive.

(69) "Show cause hearing." A formal hearing requiring the user to appear before the local hearing authority and demonstrate why the control authority should not take a proposed enforcement action against the user.

(70) "Significant industrial user." Any industrial user of the city's wastewater disposal system who:

(a) Is subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter 1, subchapter N; or

(b) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW; or

(c) Contributes five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(d) Is designated as such by the control authority, approval authority or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(71) "Significant non-compliance." Criteria used by the control and approval authority to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. An industrial user is in significant non-compliance if its violation(s) meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in table 18-202.4;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by table 18-202(4) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-202 (daily maximum, long-term average, instantaneous limit, narrative standard, or best management practices) that the control authority narrative standard, or best management practices) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through at the POTW, including endangering the health of POTW personnel or the general public;

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

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

(f) Failure to provide, within forty-five (45) 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 non-compliance;

(h) Any other violation(s) which the control authority determines will adversely affect the operation or implementation of the local pretreatment program. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

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

BOD5 . . . . . Five-day Biochemical Oxygen Demand.

CFR . . . . . Code of Federal Regulations.

COD . . . . . Chemical Oxygen Demand

CWA	Clean Water Act.
EPA	Environmental Protection Agency.
L	Liter.
Mg	Milligrams.
mg/l	Milligrams per liter.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act. 42 U.S.C. 6901. <u>et seq.</u>
TCA	Tennessee Code Annotated.
TSS	Total Suspended Solids.
USC	United States Code. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-204. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass-through or 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 national categorical pretreatment standards or any other national state or local pretreatment standards or requirements. A user may not contribute the following substances to the 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. No pollutant shall be discharged which creates a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flash point of less than 140F or 60C using the test methods specified in 40 C.F.R. 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage or improperly shredded garbage with particles greater than one-half inch (1/2") in any dimension.

(c) Any wastewater having a pH less than 5.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction 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 limitation set forth in a categorical 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 noxious or malodorous liquids, gases, or solids which either singly or interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with the 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, the Clean Water Act, or federal or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit, the receiving water quality standards, or cause pass-through violation.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) 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 which exceeds 65C (150F) or cause the influent of the wastewater treatment plant to exceed 40C (104F) unless the POTW treatment plant is designed to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any stormwater (flow occurring during or following any form of natural precipitation and resulting therefrom), surface water, groundwater, roof runoff, subsurface drainage, to any sanitary sewer. Stormwater drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the state. Uncontaminated industrial cooling water or unpolluted process waters may be discharged on approval of the state to a storm sewer or natural outlet. Landfill leachate and discharge from temporary groundwater remediation projects may be discharged to the sewer system in accordance with this chapter upon approval by the control authority.

(n) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0C (32F) and 40C (104F) and/or cause interference or pass-through at the POTW treatment plant.

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

(p) Any trucked or hauled pollutants, except at discharge points designated by the POTW and in accordance with the requirements of this chapter.

(2) When the control authority determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall:

(a) Advise the user(s) of the impact of the contribution on the POTW;

(b) Develop effluent limitations for such user(s) to correct the interference with the POTW.

(3) Federal categorical pretreatment standards. Upon the promulgation of the 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 affected users shall come into compliance with said limitations by the date specified by the federal regulation.

(4) Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the control authority may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples

taken when measured according to the procedures set forth in section 403.7(c)(2) of (title 40 of the Code of Federal Regulations, part 403)-- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The control authority may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R., part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(5) Limitations on wastewater strength. No person or user shall discharge wastewater to the POTW in excess of the concentration set forth in table 18-204(4) unless:

(a) An exception has been granted the user by the control authority; or

(b) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in table 18-204(4) within a fixed period of time.

Any user discharging wastewater having pollutants in excess of the concentrations listed in the table may be subject to fines and/or other enforcement actions as outlined in § 18-217 hereinafter.

TABLE 18-204(4)  
Limits on Wastewater Discharged by Users

Parameter	Max. Allowable Concentration in 24-Hour Flow-Proportional Composite Sample (mg/l)	Max. Allowable Instantaneous Concentration in Grab Sample (mg/l)
Aluminum	50.0	75.0
Arsenic	1.00	2.00
Cadmium	0.4241	0.6362
Chromium, Total	3.5400	5.3100
Copper	3.6100	5.4150
Cyanide	5.000	7.5000
Iron	10.0	15.0
Lead	1.4000	2.1000
Mercury	0.0010	0.0015

Parameter	Max. Allowable Concentration in 24-Hour Flow-Proportional Composite Sample (mg/l)	Max. Allowable Instantaneous Concentration in Grab Sample (mg/l)
Nickel	2.6939	4.0409
Silver	0.2714	0.4071
Zinc	3.6100	5.4150
Benzene	0.1800	0.2700
Carbon Tetrachloride	0.2100	0.3150
Chloroform	3.1900	4.7850
Ethyl Benzene	0.5800	0.8700
Methylene Chloride	1.4100	2.1150
Naphthalene	0.1476	0.2214
Phenols, Total	6.6900	10.0350
Phthalates, Total	5.8900	8.8350
Tetrachloroethylene	2.0400	3.0600
Trichloroethylene	1.4700	2.2050
Toluene	1.8005	2.7008
1,1,1-Trichloroethane	3.6700	5.5050
1,2-Transdichloroethylene	0.1000	0.150

(6) Criteria to protect the treatment plant influent. No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the concentration limits shown in table 18-205(5) hereinafter. Users may be subject to reporting and monitoring requirements for all or a part of these parameters.

The control authority shall monitor the treatment works influent for the parameters in table 18-204(5). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city council such remedial measures as are necessary, included, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any

applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE 18-204(5)  
Protection Limits at Treatment Works Influent

Parameter	Max. Allowable Concentration in 24-Hour Flow-Proportional Composite Sample (mg/l)	Max. Allowable Instantaneous Concentration in Grab Sample (mg/l)
Aluminum	5.0	7.50
Arsenic	0.2000	0.3000
Cadmium	0.0121	0.0182
Chromium, Total	0.2500	0.3750
Copper	0.2500	0.3750
Cyanide	0.3400	0.5100
Iron	5.00	7.50
Lead	0.1000	0.1500
Mercury	0.0010	0.0015
Nickel	0.0935	0.1403
Silver	0.0075	0.0113
Zinc	0.1096	0.1644
Benzene	0.0130	0.0195
Carbon Tetrachloride	0.0150	0.0225
Chloroform	0.2237	0.3356
Ethyl Benzene	0.0286	0.429
Methylene Chloride	0.0962	0.1443
Naphthalene	0.0045	0.0068
Phenols, Total	0.2174	0.3261
Phthalates, Total	0.2625	0.3938
Tetrachloroethylene	0.0926	0.1389
Trichloroethylene	0.0909	0.1364
Toluene	0.0500	0.0750

Parameter	Max. Allowable Concentration in 24-Hour Flow-Proportional Composite Sample (mg/l)	Max. Allowable Instantaneous Concentration in Grab Sample (mg/l)
1,1,1-Trichloroethane	0.2000	0.3000
1,2-Transdichloroethylene	0.0045	0.0068

Compatible pollutants. The POTW treatment plant was designed to treat specific waste load concentrations and mass loading of certain compatible pollutants, which include five (5) day Biochemical Oxygen Demand (BOD<sub>5</sub>), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Dissolved Solids (TDS) and Ammonia-Nitrogen (NH<sub>3</sub>-N). If a user discharges concentrations or mass loadings of compatible pollutants which exceed the limits set forth in the wastewater discharge permit, added operation and maintenance costs will be incurred by the POTW, and this additional cost may be passed on to the user through surcharges for excess compatible pollutants. Surcharges shall be established by the control authority based on the cost to treat the excess compatible pollutants. The control authority reserves the right to establish maximum allowable discharge limits for compatible pollutants in order to protect the POTW treatment plant and to revise surcharges based on changes in operating costs.

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

(8) Control authority's right of revision. The control authority reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-201 of this chapter.

(9) Dilution of 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 in any other pollutant-specific limitation developed by the city or state. The combination of process wastes and domestic wastes prior to discharge is not considered dilution.

(10) Slug discharges. (a) Protection from slug discharges. Each user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent slug discharge of prohibited material shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control

authority before construction of the facility. All existing users shall complete such a plan within one hundred eighty (180) days from the effective date of the ordinance comprising this chapter. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until a slug discharge control plan has been approved by the control authority. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting potential for a slug discharge.

Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of a slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Written notice of slug discharges. Within five (5) days following a slug discharge the user shall submit to the control authority 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 or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug discharge. Employers shall insure that all employees who may cause or suffer such a slug discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the user may submit an approved slug control plan.

(11) Discharge of hazardous wastes. All industrial users shall notify the control authority, the EPA Region IV Waste Management Division Director, and the Tennessee Department of Environment and Conservation Division of Solid Waste Management in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other).

If the industrial user discharges more than one hundred kilograms (100 kg) of such wastes 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:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimate of the mass and concentration of such constituents discharged during the calendar month; and

(c) An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

Notification shall be provided within one hundred eighty (180) days of the discharge. Notification need be submitted only once for each hazardous waste discharged; however, advance notification of substantial change is required.

Industrial users are exempt from notification requirements if:

(i) During a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tennessee Rule 1200-1-11-.02(4)(a) and (4)(d).

(ii) Less than fifteen kilograms (15 kg) of non-acute hazardous wastes are discharged within a calendar month.

If new regulations identify additional characteristics of hazardous wastes or list new hazardous wastes, notification of the appropriate authorities by the industrial user is required within ninety (90) days of the effective date of such regulations.

If notification is required, 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.

(12) Limitations on the use of garbage grinders. Garbage grinders shall discharge only properly shredded garbage into the POTW. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

(13) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as it deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-205. Private sewage disposal and holding tank waste disposal.**

(1) Private sewage disposal systems. Where any residence office, recreational facility or other establishment used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility or other establishment used for

human occupancy has the building drain located below the elevation necessary to obtain a sufficient grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private on-site sewage pumping station subject to review and approval by the control authority.

A private sewage disposal system may not be constructed within the city limits unless a certificate is obtained from the control authority stating that the POTW is not accessible to the property and no POTW extension is proposed for construction in the immediate future. No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the City of Alcoa and the Blount County Environmental Health Department.

Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Blount County Environmental Health Department and the City of Alcoa, and must be inspected and approved by an authorized representative of the city manager. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times. When access to the POTW becomes available, the building sewer shall be connected to the POTW within sixty (60) days of the date of availability, and the private sewage disposal system shall be cleaned of solids and filled with suitable material. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Blount County Environmental Health Department.

(2) Septic tank pumping, hauling and discharge. No person owning vacuum, septic tank or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance provided that such permit shall be subject to revocation by the control authority for violation of any provision of this chapter or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste collected from septic tanks located in Blount County, Tennessee.

(3) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge.

The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority and the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste.

(4) Fees. For each permit issued under the provisions of this chapter, an annual service charge set as specified in § 18-204 shall be paid to the city or the control authority. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked and shall be non-transferable. The number of the permit granted under the provisions of this chapter shall be plainly painted on each side of the motor vehicle used when conducting the business permitted hereunder. All users discharging septic tank or holding tank wastes to the POTW shall pay appropriate fees to be established as specified under § 18-206.

(5) Designated disposal locations. The control authority shall designate approved locations for the emptying and cleaning of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The control authority may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(6) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of the disposal permit by the control authority. The possession within the service area by any person or any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining or flushing septic tanks or other wastewater or excreta disposal systems within the service area of POTW. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-206. Charges and fees.** (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein and to provide a schedule of charges and fees which will enable compliance with the revenue requirements of section 204 of the Clean Water Act. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed

by the city and/or the control authority. These charges and fees shall be recovered through the user classification established hereinafter. The applicable charges or fees shall be set forth in the schedule of charges and fees.

(2) Types of charges and fees. The city and/or control authority may adopt charges which may include, but are not limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;
- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative costs related to the pretreatment program;
- (i) Fees for monitoring, inspection and surveillance procedures;
- (j) Fees for reviewing slug discharge prevention procedures and construction;
- (k) Fees for allowing connection of building sewers to the POTW;
- (l) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (m) Other fees as the control authority may deem necessary to carry out the requirements of this chapter.

These charges and fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city and/or the control authority. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-207. Use of public sewers required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Alcoa or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located

or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred feet (300') of the building drain as defined herein. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-208. Wastewater dischargers require permit.** It shall be unlawful to discharge to the POTW any wastewater except as authorized by the control authority in accordance with the provisions of this chapter. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-209. Wastewater discharge permits.** (1) General permits. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of the ordinance comprising this chapter.

(2) Permit application. Users required to obtain a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority accompanied by any application fee that may be required. Existing significant industrial users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of the ordinance comprising 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 significant industrial user may be required to submit all or some of the following information in units and terms appropriate for evaluation:

- (a) Name, address and location of facility (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended;
- (c) Measurement of pollutants:
  - (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;
  - (ii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged including time and duration of contribution;
  - (iii) Instantaneous, daily maximum, long-term average concentrations or mass loading, where required, including daily, monthly and seasonal variations, if any; and/or

(iv) Wastewater constituents and characteristics representative of daily operations including, but not limited to, those mentioned in § 18-202 as determined by a reliable analytical laboratory; 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 C.F.R., part 136, as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

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

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

(f) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the significant industrial 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 standard. The following conditions shall apply to this schedule:

(i) 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 (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(ii) No increment referred to in subsection (i) shall exceed nine (9) months.

(iii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority 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. In no event shall more

than nine (9) months elapse between such progress reports to the control authority.

(g) Each product produced by type, amount, process or processes and rate of production;

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

(i) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(j) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

The control authority will evaluate the data furnished by the significant industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a significant industrial user, subject to national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 18-209, the significant industrial user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the significant industrial user with an existing wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (h) and (i) of § 18-209(2).

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter. EPA's pretreatment standards and regulations promulgated under the authority of section 307(b) and (c) of the Federal Water Pollution Control Act (as provided for in 40 C.F.R. 403.8(f)(l)(iii) and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(a) Statement of duration (5 years or less);

(b) Statement of non-transferability;

(c) Statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements;

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

(e) All wastewater samples must be representative of the user's discharge;

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

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

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

(i) Specifications and best management practices for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(j) Compliance schedule;

(k) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the control authority, and affording the control authority access thereto. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the city's POTW or when requested by the TDEC or EPA;

(l) Requirements for submission of technical reports or discharge reports (see § 18-210);

(m) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(n) Requirements for notification of slug discharges. All categorical and non-categorical industrial users shall notify the control authority immediately of all discharges that could cause problems to the control authority, including any slug loadings, in accordance with § 18-202(10); and

(o) Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter.

(5) Permit duration. 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 one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification of the control authority during the term of the permit as limitations or requirements as identified in § 18-204 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or user shall receive a copy of and also comply with the terms and conditions of the existing permit. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-210. Reporting requirements for permittee.** (1) Baseline monitoring reports. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(i) The name and address of the facility, including the name of the operator and owner.

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

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

(iv) 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 in accordance with 40 C.F.R. 403.6(e).

(b) Measurement of pollutants. (i) The user shall provide the information required in § 18-209(2)(c).

(ii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately

downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.

(iv) Sampling and analysis shall be performed in accordance with § 18-210(3)(c);

(v) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(11) 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.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-209(2)(f) of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified by a qualified professional and signed by an authorized representative as defined in § 18-201(11).

(2) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such

pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed and certified by an authorized representative of the user and certified by a qualified professional engineer registered in the State of Tennessee.

(3) Periodic compliance reports. (a) Any user subject to a pretreatment standard after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent and the measured or estimated average and maximum daily flows for the reporting period, which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in the permit application. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.

(b) The control authority may impose mass limitation on users which the control authority has reason to believe are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases the periodic compliance report required in subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 C.F.R. part 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 Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

(c) All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 C.F.R. part 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 Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the administrator.

(4) Permit limit violations. If sampling performed by a user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for the parameter(s) violated and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. The user shall also provide written notice of the violation within five (5) days of becoming aware of the violation. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-211. Monitoring facilities.** (1) The control authority shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the control authority may, when such location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples or 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. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the control

authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the control authority. (As replaced by Ord. #00-003, Feb. 2000, and Ord. #13-305, April 2013)

**18-212. Inspection and sampling.** (1) The control authority 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 control authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, state, and EPA shall have the right to set up on the user's property such devices as are necessary for them to conduct sampling inspections, compliance monitoring and/or metering operations.

(2) The control authority will establish those pollutants to be sampled, at the user's expense, at the prescribed minimum frequency shown in the user's permit. The user must collect samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R. part 136 as amended. Where 40 C.F.R. part 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 Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants" dated April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the administrator. The user shall submit monitoring reports to the control authority of those priority pollutants to be sampled at the frequency prescribed in the wastewater contribution permit. The results of any and all sampling of the user's discharge shall be reported, including sampling which exceeds the required minimum

frequency. Failure to comply with these requirements may result in enforcement action as set forth in § 18-217.

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in section 205.4, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by § 18-205(4), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(4) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

**18-213. Pretreatment.** Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated and maintained at the user's expense. Detailed plans prepared by a professional engineer registered in the State of Tennessee showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority 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 control authority 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 control authority prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the city, EPA or state upon request. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

**18-214. 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 and is able to demonstrate to the satisfaction of the control authority

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 secret processes shall not be made available for inspection by the public but shall be made available upon request to the state and/or EPA for uses related to this system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state, any state agency, or the EPA in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

**18-215. Public notification.** In compliance with 40 C.F.R. part 403.8, the control authority shall annually publish in the local newspaper a list of industrial users which, during the previous twelve (12) months, were in significant noncompliance with the pretreatment program requirements. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

**18-216. Building sewers and connections.** (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW or appurtenances thereof. Authorization may be obtained from the city upon review of pertinent plans and payment of the appropriate fees.

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

- (a) For residential customers; and
- (b) For non-residential customers.

In either case, the customer or his/her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information such as grease traps needed by restaurants, dining halls or other types of eating establishments, considered pertinent in the judgment of the city and/or control authority. A fee schedule is in effect for residential and non-residential connections; said fees shall be paid to the control authority at the time the application is filed. Applicants for non-residential sewer permits shall provide a description of the constituents of the waste and may be required to provide a laboratory analysis of the waste, or of a similar waste stream if there are other facilities in operation.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The connection to the POTW shall be inspected by the city before the underground portion is buried.

(3) Installation and maintenance. The new building sewer may be brought into the building below the basement floor when gravity flow from the

building to the POTW at a minimum grade consistent with the requirements of the city is possible. Where basement or floor elevations to be served are lower than the ground overflow elevation of the upstream manhole of the POTW line servicing the property, adequate precautions by the installation of check valves or other approved backflow prevention devices to help protect against flooding shall be provided by the owner. The city shall have the right to review and approve all check valves and backflow prevention devices. Said check valves or backflow prevention devices shall be located such as to provide access for maintenance and shall be installed in a valve pit to allow access without excavation for normal maintenance operations. In all buildings in which a building drain is too low to permit gravity flow to the POTW, wastes carried by said building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer. Pumps or other devices shall be reviewed and approved by the city.

(4) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW. If, during periodic system inspections, the city locates a point of entry of infiltration/inflow in an owner's building sewer, the owner shall repair the defect(s) at his/her own expense and furthermore notify the city upon completion so that an inspection of the repair can be made prior to covering of the repair.

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

(6) All building connections and maintenance shall be subject to the currently adopted version of the International Plumbing Code, as amended by the City of Alcoa and the Water and Sanitary Sewer Service Rules, Regulations and Construction Specifications of the City of Alcoa Public Works and Engineering Department. The Rules, Regulations, and Construction Standards of the City of Alcoa Public Works and Engineering Department are available through the Public Works and Engineering Department and on file with the State of Tennessee. In cases of conflict the stricter requirements shall rule. (As added by Ord. #00-003, Feb. 2000, replaced by Ord. #13-305, April 2013, and amended by Ord. #19-468, April 2019 *Ch15\_12-10-19*)

**18-217. Grease, oil and sand traps and separators.** (1) General requirements. Gravity-type separators, interceptors or other such devices for the removal of oil, grease, sand, grit, glass, entrails or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the POTW are required at:

(a) Applicable commercial sources;

(b) Where required by the International Plumbing Code adopted by the city, and amended by the city; or

(c) Where required by other ordinance or regulation of the City of Alcoa.

Such devices shall be of a type and capacity approved by the city's inspector and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

(2) Design, review and approval of traps and separators. During the plans review conducted by the City of Alcoa personnel of proposed commercial and industrial developments, the need for traps or separators will be determined. If a trap or separator is required, detailed plumbing plans shall be submitted to and approved by the public works and engineering department prior to commencement of construction.

Grease traps shall be sized by the following formula:

Grease trap size (gallons) = F.U. x 0.5 x 5 gpm x 20 minutes

where:

F.U. = fixture units plumbed into grease trap  
(as listed in International Plumbing Code adopted by the city, and as amended by the city)

gpm = Gallons per minute

0.5 = factor to account for low probability of all fixture units operating simultaneously

Minimum grease trap size shall be 1,000 gallons.

The location of the trap or separator should be placed in an area that is clear of the discharge and flow from rain water down spouts or other stormwater conveyances. Traps or separators shall not be located in flood prone areas.

All grease traps shall meet design criteria noted above and as described in the Wastewater Collection--Construction Specifications of the Alcoa Public Works and Engineering Department. Persons wishing to install precast concrete septic tanks or concrete tanks shall submit to the control authority. A field inspection shall be required to ensure that the installation complies with the approved drawings and that adequate baffling has been installed.

(3) Exemptions. Commercial sources in operation prior to adoption of this chapter are excluded from the minimum requirements of this section, but shall be required to install and maintain a gravity-type separator, interceptor or other such device for removal of oil and grease. Such devices shall be the largest type available that may be installed adjacent to the sink or other fixture in question and shall not be connected to any dishwashers. Such devices will be allowed to remain in service until such time as the control authority determines

that the device is not preventing prohibited substances from entering the POTW, the device is not being maintained with adequate frequency, the establishment changes ownership, the kitchen facilities or entire building are, the establishment changes ownership, the kitchen facilities or entire building is remodeled, and/or food handling/processing is expanded to include grease and oil containing foods remodeled, and/or food handling/processing is expanded to include grease and oil containing foods. If the control authority makes such a determination, the establishment shall install a device in full compliance with this section.

(4) Maintenance of traps and separators. It shall be the duty of every establishment required to have traps or separators to maintain the devices, have the devices pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, when the fats, oils, greases and/or settleable solids become twenty-five percent (25%) of the tank's total working depth, and/or when it appears to the control authority that prohibited substances are leaving the device and are being discharged into the POTW.

Mechanical or manual agitation of the contents of the grease trap or separator is prohibited during normal operation. However agitation is allowed during cleaning to assist in the removal of the fat, oil and grease, or other trapped solids but may not cause a discharge to the sanitary collection system.

The use of any additives or chemicals that liquify, emulsify, and/or disperse fats, oils, and grease in the trap/separator or will cause fats, oils and grease to discharge to the sanitary collection system is prohibited. Any biological agents may only be used with prior approval of the City of Alcoa Public Works Director. Such approvals will be granted on a case-by-case and site-specific basis. High strength caustics and acids are prohibited from entering the grease trap or separator. Approved agents may only be introduced prior to the trap/separator and the dosage must not exceed the capacity of the trap/separator.

Each establishment is required to maintain a maintenance log with an original copy of the manifest on all traps and separators. The log shall show the date of all cleanings, the name of the person and organization performing the cleaning and the disposition of the removed substances. Copies of each pumping manifest must be retained for twelve (12) months. The maintenance log shall be available during business hours for examination by the city and a copy of the log shall be submitted annually to the city. Failure to comply with the reporting requirements shall be deemed a violation of this chapter of the Alcoa Municipal Code.

(5) Disposal of trap and separator wastes. Acceptable disposal options for the wastes removed from traps and separators include recycling collectors and trash disposal or commercial collectors. All grease traps shall be pumped out entirely and no portion of the removed material returned to the trap or separator. Disposal methods shall comply with all state and local regulations.

(6) Periodic inspection of traps and separators. Personnel from the City of Alcoa shall be permitted ready access to inspect all traps and separators for compliance with the municipal code. A minimum inspection and pumping violation, the user shall be issued a seven (7) day notice to come into compliance. Failure to correct noncompliance within the seven (7) day period will result in termination of water service. If termination of water service will possibly result in a threat to public health, the trap or separator will be pumped and cleaned by City of Alcoa personnel. The user shall reimburse the City of Alcoa for all labor, equipment, supplies and disposal costs incurred by the city to pump and clean the trap or separator. The charges will be added to the user's utility bill.

(7) Charges and fees. Users required to install and maintain a gravity-type separator, interceptor or other such device shall be subject to payment of fees that may be adopted by the city. All fees will appear on the user's utility bill. In the event that the user fails to pay the fee, water service shall be terminated until such time as all fees and any other charges, including late charges, have been paid.

(8) Violations. Any person who willfully or negligently violates any provision of this section or any orders or permits issued hereunder shall be subject to enforcement action as set forth in § 18-208 herein. (As added by Ord. #00-003, Feb. 2000, amended by Ord. #02-021, Sept. 2002, replaced by Ord. #13-305, April 2013, and amended by Ord. #19-468, April 2019 *Ch15\_12-10-19*)

**18-218. Enforcement.** (1) Enforcement policy. All enforcement actions taken by the control authority against users that are in violation of this chapter shall be in accordance with the Pretreatment Enforcement Response Plan as adopted and amended by the Maryville City Council and the Alcoa City Commission and with Tennessee Code Annotated, §§ 69-3-123 through 69-3-129 from which the authority for such action is derived.

(2) Administrative enforcement remedies. (a) Notification of violation. Whenever the city and/or control authority finds that any user has violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, the city and/or control authority may serve upon such person a written notice by registered mail stating the nature of the violation. Within ten (10) days of the date of the notification of violation a plan for the satisfactory correction thereof, to include specific required actions, shall be submitted to the city and/or control authority by the user. Submission of this plan in no way relieves the user of liability for any violation occurring before or after the receipt of the notice of violation.

(b) Consent orders. The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible

for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-218(2)(d) and (e) below.

(c) Show cause hearing. The control authority may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause before the hearing authority why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting to be held by the hearing authority regarding the violation, the proposed enforcement action and the reasons for such action, and directing the user to show cause before the hearing authority why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

The hearing authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the city to:

- (i) Issue in the name of the hearing authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (ii) Take the evidence;
- (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the hearing authority for action thereon.

At any hearing held pursuant to this chapter, testimony taken shall be under oath and may, at the request of either party, be 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 hearing authority has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and/or these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including the installation of pretreatment technology, additional self-monitoring and management practices.

Decisions of the hearing authority may be appealed to the appeal authority within thirty (30) days. If an appeal is not made to the local appeal authority within thirty (30) days of notification of such decision, user shall be deemed to have consented to such decision and it shall become final.

(d) Compliance order. In accordance with Tennessee Code Annotated, § 69-3-123, when the control authority finds that a user has violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, an order may be issued to the user responsible for the discharge directing that, following a specific 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.

(e) Cease and desist order. In accordance with Tennessee Code Annotated, § 69-3-123, when the control authority finds that a user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, the control authority may issue an order to cease and desist all such violations and direct those persons in compliance to:

- (i) Comply forthwith;
- (ii) 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.

(f) Administrative penalties. Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder shall be fined not more than ten thousand dollars (\$10,000.00) per day as authorized by Tennessee Code Annotated, § 69-3-115 for each offense. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In addition to the fines provided herein, the control authority 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 found to have violated this chapter or the orders, rules, regulations and permits issued hereunder. Such assessments may be added to the user's next scheduled sewer service charge, and the control authority shall have the same collection remedies that the city has to collect service charges.

(g) **Emergency suspension.** The control authority may, without notice, suspend the wastewater treatment service and/or a wastewater discharge permit of a user when such suspension is necessary, in the opinion of the control authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority 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. The control authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, unless the termination proceedings set forth in § 18-218(2)(h) are initiated against the user.

Any user whose wastewater treatment service and/or wastewater discharge permit is suspended shall submit a detailed written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence to the control authority within five (5) days of the occurrence.

(h) **Revocation of permit.** Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder or any applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section of this chapter:

- (i) Violation of conditions of the permit;
- (ii) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
- (iii) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or
- (iv) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(3) **Judicial remedies.** (a) **Legal action.** If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system, in any other way violates this chapter or its industrial wastewater discharge permit, contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the control authority, the city and/or control authority, through the city attorney,

may commence an action for appropriate legal and/or equitable relief in the chancery court for the county in which the violation occurred.

(b) Injunctive relief. Whenever a user is found to have violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, the city and/or control authority, through counsel, may initiate proceedings in the chancery court of the county in which the activities occurred for the issuance of injunctive relief or any other relief available in law or equity.

(c) Civil penalties. (i) Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not more than ten thousand dollars (\$10,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(ii) (A) The control authority may assess any person or user for damages to the POTW resulting from that person's or user's pollution, violation, or failure or neglect in complying with any permit(s) or order(s) issued pursuant to the provisions of the pretreatment program, this chapter, or Tennessee Code Annotated, §§ 69-3-123, 69-3-124, or 69-3-125.

(B) If any appeal from such assessment is not made to the local appeal authority within thirty (30) days of notification of such assessment, the person or user shall be deemed to have consented to such assessment and it shall become final.

(C) Damages may include any expenses incurred in investigating and enforcing the pretreatment program, this chapter or Tennessee Code Annotated, §§ 69-3-123 through 69-3-129; in removing, correcting, and/or terminating any pollution; and also compensation for any actual damages caused by the pollution or violation.

(D) Whenever any assessment has become final because of a person's or user's failure to appeal within the time provided, the control authority may apply to the appropriate court for judgment, and seek execution of such judgment. The court in such proceedings, shall treat failure

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

(iii) The control authority may petition the court to impose, assess, and recover such sums. In determining the amount of liability the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefits gained through the user's violation, corrective actions taken by the user, the compliance history of the user, and any other factors as justice requires.

(d) Criminal prosecution. Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed five hundred dollars (\$500.00) per violation per day.

(4) Supplemental enforcement remedies. (a) Annual publication of significant violations. The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users which are found to be in significant violation of this chapter.

(b) Performance bonds. The control authority may decline to reissue a permit to any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder unless such user first files with the control authority a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the hearing authority to be necessary to achieve consistent compliance.

(c) Liability insurance. The control authority may decline to reissue a permit to any user who has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first submits proof that it has obtained financial assurances sufficient to restore or repair any POTW damage caused by its discharge.

(d) Water supply severance. Whenever a user is found to have violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

(e) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or any permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of the city code governing such nuisances as well as all provisions of this chapter, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

(f) Informant rewards. The control authority is hereby authorized to pay for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative penalty levied against the user, the control authority is authorized to disburse up to ten percent (10%) of the collected penalty to the informant up to a maximum of ten thousand dollars (\$10,000.00) per reward payment.

(5) Affirmative defenses. (a) Treatment upsets.

(i) Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless and improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report shall be filed by the user within five (5) days. The report shall contain:

(A) A description of the upset, its cause(s) and impact on the discharger's compliance status;

(B) The duration or expected duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the council authority for any noncompliance with this chapter, or any order or permit issued hereunder to the user, which arises out of violation attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (i) A bypass of the treatment system or any portion thereof is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable in order to prevent loss of life, personal injury or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment retention of the wastewater; and

(C) The user properly notified the control authority as described in § 18-218(5)(b)(ii) below.

(ii) Users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(iii) A user may request approval of the control authority for a bypass which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating such a bypass must submit notice to the control authority at least ten (10) days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-218(5)(b)(i) above. (As added by Ord. #00-003, Feb. 2000, and replaced by Ord. #13-305, April 2013)

## CHAPTER 3

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.
- 18-311. Assessment of fees.

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

(1) "Public water system." The waterworks system which furnishes water to the City of Alcoa for general use and which is recognized as the public water system by the Tennessee Department of Health.

(2) "Cross-connection." Any physical arrangement 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 device which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections.

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

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

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain,

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

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.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or Federal Agency. (1971 Code, § 8-301)

**18-302. Standards.** The City of Alcoa Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, and establish an effective on-going program to control these undesirable water uses. (1971 Code, § 8-301)

**18-303. Construction, operation and supervision.** It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the City Manager of the Alcoa Public Water System. (1971 Code, § 8-303)

**18-304. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the city manager a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1971 Code, § 8-304)

**18-305. Inspections required.** It shall be the duty of the City Manager of the Alcoa Public Water System, or authorized representative, to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the City Manager of the Alcoa Public Water System and as approved by the Tennessee Department of Health. (1971 Code, § 8-305)

**18-306. Right of entry for inspections.** After first obtaining the permission of the property owner, the city manager or authorized representative shall have the right to enter at any reasonable time any property served by a connection to the City of Alcoa Public Water System for the purpose of

inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections, and shall be grounds for the disconnection of water service to the property. The city manager or authorized representative shall give notice to the property owner who refuses information or refuses access of the time and place of a hearing to determine whether or not water service should be disconnected to that particular property. Said hearing shall be conducted in accordance with the other rules and regulations of the City of Alcoa regarding discontinuance of service. (1971 Code, § 8-306)

**18-307. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the City Manager of the City of Alcoa Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the City of Alcoa Public Water System, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and shall further give the customer notice that a hearing will be conducted to determine whether or not water service should be discontinued for that particular property belonging to the customer. If at the public hearing it is determined that the conditions are a threat to the safety of the public water system, then the city manager or his authorized representative shall have the right to discontinue water to the property creating the hazardous condition until the public water system has been separated from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1971 Code, § 8-307)

**18-308. Use of protective devices.** Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The City Manager of the City of Alcoa Public Water System, or his designated representative, shall require the use of an approved protective device. Said protective device shall be installed on the service line serving the premises. Said protective device is to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the City Manager of the City of Alcoa Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation and maintenance of the protective device shall be at the expense of the owner or occupant of the premises. The failure to install and maintain the protective device when required by the City of Alcoa shall be grounds for denial of water service. If the protective device has not been installed within a reasonable time after the request by the City of Alcoa, then the city manager or authorized representative shall give the customer legal notice that water service is to be discontinued and shall further give the customer notice that a hearing shall be conducted to determine whether or not water service should be discontinued.

Personnel of the City of Alcoa Public Water System shall have this right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the city manager, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the City Manager of the Alcoa Water System shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the

premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the City Manager of the City of Alcoa Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises, after proper notice and hearing have been afforded to the customer. Likewise the removal, by-passing or altering the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service, after proper notice and hearing have been afforded to the customer. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the City of Alcoa Public Water System. (1971 Code, § 8-308)

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

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1971 Code, § 8-309)

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

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and each day of continued violation after conviction shall constitute a separate offense. (1971 Code, § 8-310, modified)

**18-311. Assessment of fees.** Any person whose premises are regulated by this ordinance may be assessed fees adequately to recover the cost of the city

to conduct inspections, testing, maintenance of records, etc. that are necessary to ensure the person's compliance with this ordinance and/or with applicable state and federal regulations. (as added by Ord. #15-369, Oct. 2015)

## CHAPTER 4

**WATER AND SANITARY SEWER SERVICE  
RULES AND REGULATIONS****SECTION**

18-401. Adopted.

18-402. Amendments to rules and regulations.

18-403. Violations.

**18-401. Adopted.**<sup>1</sup> The water and sanitary sewer service rules and regulations of the City of Alcoa, contained in chapter 5, water service rules and regulations, chapter 6, sanitary sewer service rules and regulations, of this title and appendix 1, water service charges, and appendix 2, sanitary sewer service charges, are adopted for the administration of duties and services relative to the city's water and sanitary sewer systems. (Ord. #1017, Sept. 1996)

**18-402. Amendments to rules and regulations.** The board of commissioners shall have authority, from time to time according to the discretion of the board of commissioners, to amend said rules and regulations, including with respect to adjusting fees and charges contained therein, by ordinance. (Ord. #1017, Sept. 1996, modified)

**18-403. Violations.** Failure by a consumer or customer of said water and sanitary sewer services to pay any fee, charge or cost set forth in said rules and regulations, or failure by any consumer or customer to comply with any and all of said rules and regulations, shall entitle the City of Alcoa to discontinue water or sanitary sewer service to any such consumer or customer. Unauthorized operations of a fire hydrant shall subject any person who engages in or assists with any such unauthorized use to punitive action by the City of Alcoa pursuant to said rules and regulations and/or the municipal code of the City of Alcoa, Tennessee. In the event that water or sanitary sewer service is discontinued to any such customer or consumer, service to such consumer or customer will not be resumed by the City of Alcoa until any such fees, charges or costs have been paid in full and/or the violation of any of the rules and regulations has ceased or been eliminated. In the event the service discontinued be that of a private line as defined under said rules and regulations, service to such private line will not be resumed until the full amount of any such fee, charge or cost has been paid and/or the violation of any of the city's rules and regulations has ceased or been eliminated. The City of Alcoa may refuse to

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<sup>1</sup>Appendices 1 and 2 (and all amending ordinances and resolutions) are available in the office of the recorder.

furnish water or sanitary sewer to the premises of any applicant who fails to meet all of the applicable conditions and terms of said rules and regulations. (Ord. #1017, Sept. 1996)

## CHAPTER 5

### WATER SERVICE RULES AND REGULATIONS

#### SECTION

- 18-501. Water furnished subject to rules and regulations.
- 18-502. Definitions.
- 18-503. Extension of mains.
- 18-504. Service connection and meter setting charges.
- 18-505. Customer lines.
- 18-506. Deposits.
- 18-507. Private lines-future.
- 18-508. Private lines-existing.
- 18-509. Private fire lines.
- 18-510. Meters.
- 18-511. Meter tests.
- 18-512. Meter reading and billing.
- 18-513. Location of meters.
- 18-514. Consumers not to supply water to others.
- 18-515. Discontinuance of service.
- 18-516. Connection/restoration of service.
- 18-517. Cross connections.
- 18-518. Special service.
- 18-519. Cutoffs for repairs.
- 18-520. Interruption of service.
- 18-521. Test fire hydrants.
- 18-522. Failure of customer to comply with regulations.

**18-501. Water furnished subject to rules and regulations.** Water will be furnished subject to rules and regulations of the City of Alcoa, hereinafter called the city, which rules and regulations are made a part of every application, contract, agreement or license entered into between the property owner or consumer and the city. Rules, regulations and rates associated with this section shall be revised, amended or otherwise changed in accordance with § 18-102 of the Alcoa Municipal Code. (Ord. #1017, Sept. 1996, as amended by Ord. #15-366, Oct. 2015)

**18-502. Definitions.** (1) City manager - The words "city manager" will be used to designate the person appointed as manager of the City of Alcoa, or his/her designee.

(2) Consumer/customer - The words "consumer" and "customer" will be used in these rules and regulations to designate a person, firm or corporation contracting with the city for the furnishing of water to property classified as follows:

(a) A building under one roof and ownership and occupied for one business or as one residence;

(b) One or more buildings on a single tract of land, all under one ownership and served by a single water meter, and occupied by one family or business;

(c) The one side of a double house having a solid vertical partition wall, and using a separate hall or entrance;

(d) A building under one roof and one ownership but which contains a number of apartments or offices;

(e) A private line;

(f) A vacant lot or tract of land;

(g) Each mobile home in a mobile home park, subdivision, or other such development, unless said development is served by a single meter.

(3) Service connection - The words "service connection" will be used in these rules and regulations to designate the tap of the main and that portion of the line extending from the tap to the meter.

(4) Customer line - The words "customer line" will be used in these rules and regulations to designate the water lines extending from the service connection to and within the improvements on such property.

(5) Private line - The words "private line" will be used in these rules and regulations to designate:

(a) A water line owned by an entity other than the city and extending from the meter at the service connection to property or properties which are not contiguous to a city main, or

(b) Any service line which does not furnish water to any water outlet located within two hundred feet from the property line on the abutting street, highway, or city right-of-way on which such property is located; and for which application is made for a private line.

(6) Mains - The word "main" will be used in these rules and regulations to designate the city-owned water lines installed in or along the public streets or highways or on city acquired easements but shall not include service connections. (Ord. #1017, Sept. 1996)

**18-503. Extension of mains.** (1) The city will extend a main along an improved street or highway for the benefit of consumers who have property abutting on the street or highway along which the main is being extended, and whose property after the extension will be contiguous to said main. Such extensions will be made upon application by one or more consumers and only after the applicant or applicants have made a deposit equal to the estimated cost of the extension. All extensions shall be at the expense of the initial applicant or applicants. Groups of residents in rural sections of the City's service area may request extension of water mains by presenting a signed petition representing no less than eight (8) customers per one thousand (1,000) feet of

main extension. Connection fees assessed to such customers shall be in accordance with Appendix 1<sup>1</sup> for rural areas. Consumers requesting connection to such line after its construction who were not part of the original petition shall be assessed the "rural area" connection fee as long as the area is classified as rural. To clarify such classifications, the city commission shall adopt and modify from time to time a map designating portions of Alcoa's service area as "inside city", "outside city", and "rural area".

(2) Developers of new subdivisions or developers installing water lines within new subdivisions for the purpose of developing property for sale shall bear the full cost of the design and construction of the lines. When the city desires a main larger than that required for the development the city will reimburse the applicant for the difference between the two. The city may also participate in main extensions when warranted by high volume consumption, favorable return on investment, or overall economic impact on the community. Testing and sterilization of mains upon completion shall be furnished by the developer.

(3) The specifications of the material used in the main to be installed shall be designated by the city. All mains within the corporate limits of the City of Alcoa shall be designed for installation of fire hydrants.

(4) Complete plans and specifications for main extensions in private developments shall be submitted for approval by the city. After approving the plans, the city will furnish the necessary inspection of the installation of said main or mains. Upon satisfactory completion and final inspection, the city will give written notice of acceptance. Twelve (12) months following the date of acceptance, said main(s) will become the property of the city subject to the rules and regulations as set forth herein. Within that twelve (12) month period, the applicants will be liable for all maintenance and repairs on said main(s) that are the result of defective materials and/or workmanship.

(5) Under the preceding paragraphs of this section, should the extension of mains require easements or rights of ingress or egress, said agreements shall be provided by the applicant for use by the city.

(6) There will be no extension of mains into newly platted areas which have not had prior approval of the local planning commission. The city may also limit the extension(s) of mains not hydraulically capable of supplying anticipated demands. Costs of any improvements necessary to correct such deficiencies shall be borne by the applicant(s). (Ord. #1017, Sept. 1996)

**18-504. Service connection and meter setting charges.** All service connections and all meter settings for use in connection therewith, shall be made by the city upon approval of written applications. These meter settings

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<sup>1</sup>Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

shall be placed at suitable locations selected by the city. For such connections and meter settings the consumer or property owner at the time of making applications therefor shall pay to the city as the expense thereof the charge as set forth in the schedule found in Appendix 1.<sup>1</sup> (Ord. #1017, Sept. 1996)

**18-505. Customer lines.** Customer lines shall be installed by the consumer at the consumer's expense. All customer lines shall be installed at least two (2) feet deep. Materials and installation shall comply with the latest edition of the Southern Standard Plumbing Code, as adopted by the city. All consumers shall be subject to the city's cross-connection ordinance. (Ord. #1017, Sept. 1996)

**18-506. Deposits.** (1) When premises have been supplied with customer line and consumer desires a supply of water thereto, the consumer shall sign an application for the furnishing of water and shall make a cash deposit to secure payment for the water to be used and to secure payment of damages, if any, to the meter and/or meter setting. The amount of deposit, where the consumer desires ordinary or usual service, shall be in accordance with the schedule included in Appendix 1.<sup>1</sup> Where, at the time of making application for the furnishing of water, it is apparent to the city manager that the consumer will require a substantially larger quantity of water than is used by the average consumer supplied through a meter of the size applied for, the city may require a larger deposit than that just specified; such deposit, however, in no event to exceed the annual minimum charge for water service for such sized meter.

(2) Deposits shall not be applied in payment of current monthly bills and such deposit shall in no wise affect the city's rights to discontinue service arising from non-payment of bills as provided for in these rules and regulations. The city will pay interest on deposits using the same schedule used in the electric utilities rules and regulations.

(3) The city will refund deposit upon written application to discontinue its service and upon receipt of payment in full for water metered to such consumer and for any meter damage, and/or damage to meter setting, for which such consumer may be liable under these rules and regulations.

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

(5) The city will presume service is being rendered from the time water is turned on by application of the consumer until the consumer or

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<sup>1</sup>Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

property owner gives it written notice to discontinue the service, and charges will be made accordingly.

(6) Deposits may be waived for customers with good credit ratings and may be returned after one year to customers who make timely bill payments with no returned checks. (Ord. #1017, Sept. 1996, as amended by Ord. #15-366, Oct. 2015)

**18-507. Private lines-future.** From and after the effective date of these rules and regulations, the city will make one, and only one, service connection and one meter setting and will furnish one meter for each private line. Such connection and meter setting will be made upon written application of a responsible person, firm or corporation, and which person, firm or corporation is eligible for private line service as defined in § 18-502 hereof. Each such application shall be accompanied by an additional application for a service connection on said private line. The applicant in such application shall assume full liability for all water metered to such private line.

At the time of making such application the applicant shall pay to the city the standard charge of the city as set forth in § 18-504 hereof. Every consumer shall also make application and pay the charges as set forth in § 18-504.

All charges for water metered to a private line, and for damage to the meter setting and/or meter as provided for in § 18-510 hereof, will be billed to the person, firm or corporation who applies for such line, and such person, firm or corporation will be responsible for all sums so billed.

The private line shall be installed and maintained by, and at the expense of, the person, firm, or corporation making application therefor, and such line shall be and remain the property of such person, firm, or corporation.

However, the city reserves the right to extend, at any time at its discretion, its mains, and if by the construction and extension of any city main such main is placed in or along a street, highway, or city right-of-way, contiguous to the property of any user of water furnished by a private line, for which private line application has been made after the effective date of these rules, and which main is within two hundred feet of any water outlet of such user, the city may, after the completion of such construction or extension, refuse to furnish water to such private line until such time as such user is disconnected therefrom. Such user, if water is desired by him from any of the city's mains, shall obtain such water through a service connection from the main. A customer line shall be constructed from such service connection in accordance with § 18-505 hereof. Service connection and meter setting for such line shall be made and charges therefor shall be paid in accordance with § 18-504 hereof. After connections have been made water will be supplied to such consumer in accordance with § 18-506 hereof.

In all applications made from and after the effective date of these regulations for service connection for a private line, the applicant shall expressly agree that the foregoing provisions of this rule shall be binding upon him and

upon any and every other party served by or through such private line, and the application for such private line shall expressly authorize the city to discontinue furnishing any water to such private line until any service line connection required by this rule has been made. (Ord. #1017, Sept. 1996)

**18-508. Private lines-existing.** Subsequent to the effective date of these rules and regulations, whenever a main is placed in or along a street, highway or city right-of-way contiguous to the property of any user of water furnished by a private line (including any hereafter constructed addition to or extension of such private line) and which main is within two hundred feet of any water outlet of such user, the city may refuse to furnish water to such user through such private line. If such user desires to obtain water from the city mains, the same shall be furnished through a service connection and a customer line constructed in accordance with § 18-505 hereof. Service connection and the meter setting for such service line shall be made in accordance with § 18-504 hereof. Water will then be supplied to such consumer in accordance with § 18-506 thereof.

The city will not make or permit to be made any additional connections to any private line which is in use on the effective date of these rules and regulations unless the city has in its possession a written contract executed by all individuals, firms, and corporations to whom water is metered and billed from such line, and by which written agreement there is an acceptance of full responsibility for maintenance of such private line and for any line loss of water thereof.

Where the city has in its possession such written contract, such private line may be extended, or additions made thereto, provided all persons, firms, and corporations responsible for the maintenance and water loss on such line agree in writing to such extension or addition, and provided written application for connection to such private line is filed with the city. One meter must be set for each additional consumer hereafter made to such private line, and all water furnished through each such addition, will be metered through such meter, and all charges therefor and for damages, if any, to the meter as provided in § 18-510 hereof, will be billed to such applicant who will be responsible for the payment thereof.

Any such extension of, or addition to, an existing private line (including the connection with the existing private line) shall be installed and maintained by, and at the expense of, the person, firm or corporation making application therefor, and such addition or extension shall be and remain the property of such applicant. Any such meter setting shall be provided and installed by the city in accordance with § 18-504 hereof, upon written application. Before any meter is placed in such meter setting, and before any water is furnished to such extension or addition, deposit shall be made with the city in accordance with the provisions of § 18-506 hereof. (Ord. #1017, Sept. 1996)

**18-509. Private fire lines.** Private fire lines will be installed by and at the expense of the consumer; such construction to be made in accordance with the specifications of the city. Such lines shall be owned and maintained by the consumer. (Ord. #1017, Sept. 1996)

**18-510. Meters.** Each consumer will be supplied through a separate meter. A building under one ownership and having a number of apartments or offices under one roof may, at the owner's discretion, be served by individual meters for each such apartment, office, or other unit. The charge for such installation and setting shall be made at the service charge provided for in § 18-504. Thereafter each regular tenant in such building shall be a consumer and shall be subject to all of the applicable rules and regulations hereof.

All meters and meter settings shall be furnished, owned and maintained by the city, except as otherwise provided in these regulations. Meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind. No one other than an authorized agent of the city shall be permitted to repair, adjust, remove or replace any meter or any part thereof.

The consumer shall be responsible for damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his agent or employee, or of any member of his family. Such consumer will be billed for the actual cost of repair or replacement, and such bill shall be paid within ten days from the date of mailing thereof. (Ord. #1017, Sept. 1996)

**18-511. Meter tests.** Should any consumer within twelve months from the date of the last test of a meter doubt its correctness, the consumer may have the meter tested by making written application to the city and by making a deposit in accordance with the table found in Appendix 1.<sup>1</sup>

If in such test any error in the meter exceeding 4% is found, allowance shall be made by the proper party to the other according to such error and covering a period not to exceed the prior billing and the current consumption to date of removal of the meter. Should the error be found to exceed 4%, all the expenses incurred in the meter removal and test shall be borne by the city and the deposit shall be refunded. If, however, the error of the meter does not exceed 4%, the deposit shall be accepted by the city in payment of the expense of such removal and test. If a meter 6 inches or larger is tested, no deposit shall be required; but in the event the error of the meter does not exceed 4%, the entire cost of such removal, test, and re-installation shall be billed by the city to the consumer. The amount of such bill shall be paid by the consumer within

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<sup>1</sup>Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

ten days from date of billing or be subject to discontinuance of service. (Ord. #1017, Sept. 1996)

**18-512. Meter reading and billing.** Meters will be read and billed monthly, as set forth in the schedule found in Appendix 1.<sup>1</sup> All bills shall be payable at the city's office, or at places designated by the city, for the convenience of consumers.

The city's inspector, meter reader, or other properly authorized employee, shall have access at all reasonable hours to premises supplied with water, for the purpose of reading, inspecting, repairing or removing meters.

If a meter is found stopped at a meter-reading period, the bill will be estimated from similar periods, but due consideration shall be given for any excessive use of water or water wasted during such period.

All bills to consumers shall be due and payable immediately upon receipt of notice. If a bill remains unpaid longer than ten days after its penalty date, the city will discontinue water service. (Ord. #1017, Sept. 1996)

**18-513. Location of meters.** All new meters shall be installed adjacent to the edge of a street right-of-way or utility easement and at locations approved by the city. Unless by special exception, all new meters will be installed outside of all driveways, streets, parking lots, and sidewalks.

All meters which, as of the effective date of these rules and regulations, are located inside of buildings or in meter settings which the city deems to be unsatisfactory may be moved to more suitable locations at the discretion of, and at the expense of, the city.

The city may discontinue water service to any consumer who refuses permission to remove a meter in accordance with this regulation.

If any meter is relocated upon application by, and to suit the convenience of, the consumer, or where relocation of meter is required because of change in grade of lot, such relocation and setting shall be made by the city at the expense of the consumer. Bill rendered to the consumer for the expense thereof shall be paid within ten days from the date of mailing of such bill. (Ord. #1017, Sept. 1996)

**18-514. Consumers not to supply water to others.** Consumers (other than a private line system) shall not supply water, or allow water to be carried or run through a hose or pipe, to any premises other than that described in the application, agreement or contract, without first having received written permission from the city. (Ord. #1017, Sept. 1996)

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<sup>1</sup>Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

**18-515. Discontinuance of service.** If service has been discontinued for non-payment of bills, or for violation of the rules of the city, service to such consumer will not be resumed by the city until the unpaid bill including penalties have been paid in full and/or the violation of any of the city's rules and regulations has ceased or been eliminated.

In the event the water service discontinued be that of a private line (either "existing" or "future" as such lines are designated in these rules), service to such private line will not be resumed until the full amount of such unpaid bill including penalties have been paid.

If a customer experiences an excessive leak that is a nuisance to a neighbor or that results in an exorbitant bill that the customer is unable to or refuses to pay, the city may discontinue water service. (Ord. #1017, Sept. 1996)

**18-516. Connection/restoration of service.** Water shall not be turned into any water line and/or fire hydrants for any purpose by anyone except an authorized employee of the city. Unauthorized operations will be subject to further punitive action by the city.

In the event of termination of service due to any violation of any of these rules and regulations, or upon any request of the consumer, a charge (see Appendix 1<sup>1</sup>) shall be made to cover the cost of special handling of the customers account. This fee shall apply ten days after the penalty date and is collectible when service shall be considered discontinued though not actually cut off. (Ord. #1017, Sept. 1996)

**18-517. Cross connections.** In no event will cross connections between the city's water and any other source of water or any hazardous or potentially hazardous substance be allowed. Violations will result in loss of service until cross connection is corrected. (Ord. #1017, Sept. 1996)

**18-518. Special service.** Persons, firms, or corporations desiring small amounts of water for a short time, or service which will require the special attention of an employee of the city, will be required to make a deposit, the amount of which will be fixed by the city manager. For water used by such person a charge will be made at rates fixed by the city manager in keeping with the service rendered, and the deposit made shall be applied against such charge. Any difference between the deposit and the charge shall be paid by the party owing the same. (Ord. #1017, Sept. 1996)

**18-519. Cutoffs for repairs.** The city reserves the right to shut off the water in the mains at any time for the purpose of making repairs or extensions,

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<sup>1</sup>Appendix 1 (and all amending ordinances and resolutions) is available in the office of the recorder.

or for other necessary purposes. It will endeavor to give notice of such shut-off except in cases of accident or emergency. All owners and consumers having boilers on their premises are hereby cautioned against dangers arising from interrupted service. (Ord. #1017, Sept. 1996)

**18-520. Interruption of service.** All contracts for furnishing water shall be made subject to interruptions or inability to fulfill same from any and all causes whatsoever beyond the control of the city, and the city will not be liable for damages for such failure to furnish water or to carry out its contracts to furnish water from any cause or causes beyond its control. The city will be held harmless from any damage claims resulting from water discoloration or other change which may result from such interruptions. (Ord. #1017, Sept. 1996)

**18-521. Test fire hydrants.** The city reserves the right to use or test fire hydrants without liability for any damage claims resulting from water discoloration or chemical or other change that might be caused by such practice. (Ord. #1017, Sept. 1996)

**18-522. Failure of customer to comply with regulations.** The city may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of the foregoing regulations, or it may discontinue water service in the event the consumer violates or fails to comply with any of the foregoing regulations. (Ord. #1017, Sept. 1996)

## CHAPTER 6

### SANITARY SEWER SERVICE RULES AND REGULATIONS

#### SECTION

- 18-601. Application for sewer service.
- 18-602. Extension of sewer mains.
- 18-603. Service connections.
- 18-604. Deposits.
- 18-605. Billing.
- 18-606. Customers' service lines not to serve others.
- 18-607. Illegal use of sewer connection.
- 18-608. Connection and replacement of customer lines.
- 18-609. Sewer service line stoppage.
- 18-610. Failure of customer to comply with regulations.

**18-601. Application for sewer service.** Persons, firms, or corporations desiring sewer service connections shall make application to the City of Alcoa in writing, upon such forms as shall be prescribed and furnished by the city.

The application shall state that the applicant shall abide by the rules and regulations of the city, and rates for sewer service then in force, or which shall hereafter be adopted. The application shall be signed by the owner of the premises, tenant, or customer, and shall state the location of the premises to be serviced, the street number and lot. The owner, tenant, or customer shall pay rates associated with sanitary sewer service as may be adopted, revised, amended and otherwise changed in accordance with § 18-102 of the Alcoa Municipal Code. (Ord. #1017, Sept. 1996, as amended by Ord. #15-367, Oct. 2015)

**18-602. Extension of sewer mains.** (1) The city will extend a main along an improved public street or highway within the city for the benefit of applicants who have property abutting on the street or highway along which the main is being extended, and whose property after the extension will be contiguous to said main. Such extensions will be made on application of one or more applicants and only after the applicant has made a deposit equal to the estimated cost of the extension. All extensions shall be at the expense of the applicant. When the city desires a main larger than that required for the development the city will reimburse the applicant for the difference between the two. The city may also participate in main extensions when warranted by high volume consumption, favorable return on investment, or overall economic impact on the community.

(2) Extension of sanitary sewers outside the city will be considered on a case-by-case basis. Factors to be considered may include, but not be limited to, any one or more of the following:

- (a) Petitions for and/or viability of annexation;
- (b) Existing sewer service in the immediate vicinity by the city;
- (c) Viability of existing subsurface disposal fields;
- (d) Planned growth of the city;
- (e) Favorable return on investment; and
- (f) Overall economic impact on the community.

(3) The necessary engineering and construction of said sewer mains shall be furnished by the applicant. The specifications of the material used for the main to be installed shall be determined by the city. Complete plans and specifications shall be submitted for approval by the city. After approving the plans, the city will furnish the necessary inspection of the installation of said main or mains. Upon satisfactory completion of the extension, the city will give written notice of acceptance. Twelve (12) months following the date of acceptance, said main or mains will become the property of the city subject to the rules and regulations as set forth herein. Within that twelve (12) month period, the applicant will be liable for all maintenance and repairs on said main(s) that are the result of defective materials and/or workmanship.

(4) Under the preceding paragraphs of § 18-602, should the extension of mains require easements or rights of ingress and egress, said agreements shall be provided by the applicant for use by the city.

(5) In the case of major extensions of sewers into previously developed areas of the city (not including new subdivisions under development), the city may at the discretion of the board of commissioners adopt a special assessment or some other policy different from that provided in § 18-602(4). (Ord. #1017, Sept. 1996)

**18-603. Service connections.** (1) All service connections to the city mains shall be made by the city upon written application. These service connections shall be made at suitable locations selected by the city. The city will establish proper grades for service connections after written application for service connection. The service lateral will be installed from the sewer main to the property line of the applicant by the city. For such connections the customer, or property owner, at the time of making application therefor shall pay to the city a fee according to the schedule found in Appendix 2.<sup>1</sup>

(2) Customer lines within the property line shall be installed at the expense of the customer and shall be in accordance with the most recent edition of the International Plumbing Code adopted by the city, and as amended by the city.

(3) During the construction of improvements for residential, commercial, and industrial developments, pipe and fittings for individual service

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<sup>1</sup>Appendix 2 (and all amending ordinances and resolutions) is available in the office of the recorder.

assemblies shall be furnished and installed by the developer in the sanitary sewer improvements. (Ord. #1017, Sept. 1996, as amended by Ord. #19-468, April 2019 *Ch15\_12-10-19*)

**18-604. Deposits.** The applicant shall pay deposits to secure payment for sanitary sewer services. Deposits may be waived for customers with good credit ratings and may be returned after one year to customers who make timely bill payments with no returned checks. (Ord. #1017, Sept. 1996, as amended by Ord. #15-367, Oct. 2015)

**18-605. Billing.** (1) When the customer is provided water and sanitary sewer service by the city, sewer service charges will be included monthly along with the customers water bill. Payment of one bill without the other will not be accepted. Failure to pay either bill will be cause to discontinue water service and penalties imposed on water customers apply to sewer customers.

(2) When the customer is not provided water service by the city, a monthly bill for sewer service will be issued. Failure to pay the sewer bill will result in disconnection of sewer service, termination of water service (if agreed to by the water utility), and the assessment of penalties applicable to water customers. (Ord. #1017, Sept. 1996)

**18-606. Customers' service lines not to serve others.** Customers (other than a private line system) shall not allow sewage, or allow sewage to be carried or run through a hose or pipe, from any premises other than that described in the application, agreement or contract, without first having received written permission from the city. (Ord. #1017, Sept. 1996)

**18-607. Illegal use of sewer connection.** In no event shall roof drain and/or surface water drain be connected to sewer customer lines. (Ord. #1017, Sept. 1996)

**18-608. Connection and replacement of customer lines.** (1) When the customer desires to connect the customer line within the property line to that of the city's service line, or desires to replace said customer line, he shall notify the city and secure the necessary permit to make such connection in accordance with the city code.

(2) The following fees shall be instituted:

<u>ACTIVITY</u>	<u>FEE</u>
Replacement of sanitary sewer line permit fee	\$25.00 city/\$35.00 county
Inspection fee to be added to sanitary sewer connection fee	\$25.00 city/\$35.00 county

(Ord. #1017, Sept. 1996, as replaced by Ord. #10-230, July 2010)

**18-609. Sewer service line stoppage.** (1) Maintenance of the entire customer line from the building to the edge of the street right-of-way or utility easement shall be the responsibility of the property owner. In the case of stoppage, if there is question as to whether the stoppage is in the sewer main, the city will promptly, upon call, determine whether there is stoppage in the main and will clear the main if necessary.

(2) If it is uncertain whether a stoppage is in the service connection or the customer line, the city may assist in the determination. If the stoppage is in the service connection, the city will make such repairs as necessary to restore service. If the stoppage is in the customer line, the city may assist the customer with the restoration of service. In such cases, the customer will be responsible for all costs incurred by the city. (Ord. #1017, Sept. 1996)

**18-610. Failure of customer to comply with regulations.** The city may refuse service to the premises of any applicant who fails to meet all the applicable conditions and terms of the foregoing regulations; or it may discontinue water and/or sewer service in the event the customer violates or fails to comply with any of the foregoing regulations. (Ord. #1017, Sept. 1996)

**CHAPTER 7****WATER AND WASTEWATER CONSTRUCTION SPECIFICATIONS****SECTION**

18-701. Construction specifications for water distribution and wastewater collection.

**18-701. Construction specifications for water distribution and wastewater collection.** Any extension, maintenance, or other construction activity associated with the city's water distribution and/or wastewater collection systems shall be governed by the Water Distribution – Construction Specifications, June 2015 edition and the Wastewater Collection – Construction Specifications, June 2015 edition. (as added by Ord. #03-010, April 2003, replaced by Ord. #09-206, July 2009, as amended by Ord. #15-357, Oct. 2015)

## CHAPTER 8

### RULES, RATES AND FEES FOR THE STORMWATER UTILITY

#### SECTION

- 18-801. Rules, rates, and charges adopted.
- 18-802. Findings.
- 18-803. Definitions.
- 18-804. Creation of stormwater utility.
- 18-805. Scope of responsibility for the city drainage system.
- 18-806. Funding of stormwater utility.
- 18-807. Stormwater fund.
- 18-808. Operating budget.
- 18-809. Determinations and modification of stormwater utility fees.
- 18-810. Effective date of stormwater utility fees.
- 18-811. Alcoa Stormwater Utility Manual.
- 18-812. Stormwater utility fee rates.
- 18-813. Exemptions and credits applicable to stormwater utility fees.
- 18-814. Stormwater utility fee billing, delinquencies, and collections.
- 18-815. Application of utility fees billed in common.
- 18-816. Removal or cessation of utility services.
- 18-817. Alcoa Stormwater Board of Appeals.

**18-801. Rules, rates, and charges adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 68-221-1101 through 68-221-1116, and for the purpose of providing stormwater management operations and establishing a stormwater utility within the City of Alcoa, the Alcoa Stormwater Utility Manual - Rules, Rates, Fees and Credits, is hereby adopted and incorporated by reference as part of this code. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-802. Findings.** The Board of Commissioners of the City of Alcoa (hereinafter referred to as the city) makes the following additional findings and conclusions.

(1) Stormwater systems which provide for the collection, treatment, storage and disposal of stormwater, provide benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to:

(a) The provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater.

(b) The reduction of hazards to property and life resulting from stormwater runoff.

(c) Improvements in general health and welfare through reduction of undesirable stormwater conditions.

(d) Improvements to the water quality in the stormwater and surface water system and its receiving waters.

(2) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service fees upon properties that is related to burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the city.

(3) A utility fee credit is an appropriate means of adjusting fees in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the city. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

(4) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the city, and therefore is an appropriate parameter for calculating stormwater utility fees and associated credits. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-803. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Credit" shall mean a conditional reduction in the amount of a stormwater utility fee to a qualifying individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by the property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the positive affect that such systems have on the peak rate of runoff and/or improved water quality from the individual property. Credits shall be defined and implemented in a stormwater utility manual, which shall be adopted and amended from time to time, as necessary, by resolution of the Alcoa Board of Commissioners, and shall be maintained and published in such form and manner as directed by the Alcoa City Manager or his designee.

(2) "Customers of the stormwater utility" shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and

persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program as determined by applicable law.

(3) "Detached dwelling unit" shall mean developed land containing one (1) structure which is not attached to another dwelling and which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. "Developed land" shall be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached dwelling unit can also include developed land that has a non-residential use of a dwelling unit designed for occupancy for one (1) family so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses. Detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes; or multiple-unit residential properties.

(4) "Developed land" shall mean property altered from a natural state by construction or installation of more than five hundred (500) square feet of impervious surfaces as defined in this chapter.

(5) "Equivalent Residential Unit (ERU)" of impervious area shall mean the median impervious coverage of detached dwelling unit properties in the City of Alcoa as determined by the city, and shall be used as the basis for determining stormwater utility fees to detached dwelling unit properties or classes of detached dwelling unit properties and other developed land.

(6) "Flood control facilities" shall mean all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface flood runoff water within the jurisdictional boundaries of the city of Alcoa. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, or has made improvements to prevent flooding in order to satisfy the city's responsibility or obligation to protect public and private property, or for to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

(7) "Impervious surfaces" shall mean those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots,

storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

(8) "Multiple dwelling unit residential properties" shall mean other developed land whereon two (2) or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, town homes, attached single-family homes, duplexes, triplexes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which two (2) or more family groups commonly and normally reside or could reside. In the application of stormwater utility fees, multiple dwelling unit properties shall generally be treated as other developed lands. However, multiple dwelling unit residential properties where individual residential dwelling units are owned or occupied independently, such as residential condominiums or apartments, may be treated as detached dwelling unit properties in the application of stormwater utility fee rates.

(9) "Other developed land" shall mean, but shall not necessarily be limited to, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

(10) "Public airport" shall mean any airport that is used or to be used for public purposes, under the control of a public agency, of which the area used or intended to be used for landing, take off or surface maneuvering of aircraft is publicly owned (see, section 47102(20) of title 49 of the United States Code).

(11) "Stormwater" shall mean stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and general drainage related to a precipitation event.

(12) "Stormwater utility fee" shall mean the stormwater management fee and/or charges applicable to a parcel of developed land, which fee/charges shall be reflective of the City of Alcoa stormwater utility's cost of providing stormwater management services and facilities. Stormwater utility fee may also be termed "stormwater utility service charge."

(13) "Stormwater management facilities" shall mean those natural and man-made drainage structures, conveyances, conduits, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated and/or disposed of.

(14) "Undeveloped land." Land in its unaltered state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel

surfaces or structures which create an impervious surface that would prevent infiltration of storm water or cause storm water to collect, concentrate, or flow in manner materially different than that which would occur if the land was in an unaltered natural state. For purposes of this chapter, undeveloped land shall also include property altered from its natural state by the creation or installation of less than five hundred (500) square feet of impervious surfaces. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, replaced by Ord. #08-153, Feb. 2008, and amended by Ord. #08-181, Oct. 2008)

**18-804. Creation of stormwater utility.** A stormwater utility is created which shall consist of staff as designated by the city manager for the operation and maintenance of the city's stormwater/drainage system.

The stormwater utility shall:

(1) Administer the acquisition, design, construction, maintenance and/or operation of the stormwater utility system, including capital improvements as may be designated in the capital improvement program;

(2) Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility stormwater system, including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby;

(3) Advise the municipality's governing body and other city departments on matters relating to the utility;

(4) Review and approve or deny plans; inspect and accept extensions and connections to the system; and require submission of as-built plans of completed drainage improvements;

(5) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by local, state, regional and/or federal agencies as now adopted or hereafter amended;

(6) Analyze the cost of services and benefits provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-805. Scope of responsibility for the city drainage system.** The city drainage system consists of all rivers, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the political boundaries of the City of Alcoa which:

(1) Are located within publicly dedicated streets, rights-of-way, and easements;

(2) Are subject to publicly dedicated easements, easements-by-use, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions of

adequate access of operation, maintenance, and/or improvement of systems and facilities; or

(3) Are located on public lands to which the city has adequate access for operations, maintenance, and/or improvement of systems and facilities.

Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Alcoa and for which there has been no public dedication of such system and facilities to the City of Alcoa for operation and maintenance, and/or improvements or the system and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Tennessee and the United States of America. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-806. Funding of stormwater utility.** Funding of the stormwater utility's activities may include, but not necessarily limited to, the following:

(1) Stormwater utility fees.

(2) Civil penalties and damage assessments imposed for or arising from the violation of the city's stormwater management ordinance(s), regulations, etc. as may be adopted and amended from time to time.

(3) Stormwater permit and inspection fees.

(4) Other funds or revenue obtained from federal, state, local, and private grants, or revolving funds, and from revenue derived from the issuance of debt obligations of the city or the stormwater utility pursuant to the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21, as amended, or any other lawful source of revenue).

To the extent that the stormwater drainage fees collected are insufficient to construct, operate, and maintain needed stormwater drainage facilities and to comply with the requirements of this and other related ordinances, regulations, etc., the cost of the same may be paid from such city funds as may be approved by the Alcoa Board of Commissioners. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-807. Stormwater fund.** All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility fund and used exclusively by the city for the stormwater utility. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-808. Operating budget.** The Alcoa Board of Commissioners shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement

and debt service. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-809. Determinations and modification of stormwater utility fees.** Stormwater utility fees may be adopted and modified by resolution from time to time by the Board of Commissioners of the City of Alcoa so that the total revenue generated by said charges, in addition to all other revenue of the stormwater utility, will be sufficient and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including but not limited to:

(1) The payment of principal and interest on debt obligations of the stormwater utility.

(2) Other expenses reasonably necessary or convenient in the acquisition, construction, operation, maintenance, and regulation of the stormwater system and of properties affecting the stormwater system.

Graduated stormwater utility fees shall be based on actual or estimated use of the storm water and/or flood control facilities of the municipality and stormwater utility. Each user or user class shall be required to pay its proportionate share of the construction, administration, operation and maintenance, including replacement costs, of such facilities based on the user's actual or estimated proportionate contribution to the total storm water runoff from all users or user classes.

To ensure a proportionate distribution of all costs to each user or user class, the user's contribution shall be based on factors such as, but not necessarily limited to, the amount of impervious area utilized by the user, the water quality of user's storm water runoff, the volume, rate and/or velocity of storm water runoff.

The use of any particular characteristic as a utility fee rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities are relatively consistent. Stormwater utility fees may also include special charges to individual customers for services or facilities related to stormwater management, including but not limited to fees for plan review of development, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater services above those normally provided by the city. The purpose of classifications of properties through this process shall be to establish and maintain fees, rates, and charges which are based upon objective characteristics of the affected properties, and are levied and applied throughout the stormwater utility so as to assess properties in a manner consistent with other similarly situated properties. (as added by Ord. #04-042, Nov. 2004, deleted by Ord. #08-154, Feb. 2008, and replaced by Ord. #08-153, Feb. 2008)

**18-810. Effective date of stormwater utility fees.** Stormwater utility fees shall accrue beginning with the adoption of and as indicated in the first schedule of fees by the Board of Commissioners of the City of Alcoa and shall be billed periodically thereafter to customers except as specific exemptions and adjustments may apply. Fees shall be due, delinquent charges applied, and/or utility service terminated as specified in said fee schedule or as otherwise specified by applicable city ordinances and/or regulations. (as added by Ord. #08-153, Feb. 2008)

**18-811. Alcoa Stormwater Utility Manual.** The city manager or his designee shall prepare an Alcoa stormwater utility manual containing the Equivalent Residential Unit schedule (ERU), utility fee credits criteria and a separate rate schedule for approval by the board of commissioners. Said manual and rates shall be subject to review and adoption by resolution of the board of commissioners and may be revised, amended or otherwise changed from time to time by resolution. Copies of said manuals and rates shall be available at the office of the Alcoa City Recorder. (as added by Ord. #08-153, Feb. 2008)

**18-812. Stormwater utility fee rates.** In order to fully recover the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the city, the following stormwater rates shall apply.

(1) Detached dwelling units. Detached dwelling units shall be charged based upon one (1) Equivalent Residential Unit (ERU), or multiplied thereof, as specified in the Alcoa Stormwater Utility Manual.

(2) Other developed lands. All developed lands not classified as detached dwelling units shall be billed for one (1) ERU, or multiplier thereof, as specified in the Alcoa Stormwater Utility Manual.

(3) Multiple dwelling unit residential properties. Multiple dwelling unit residential properties where individual residential units are owned or occupied independently, such as residential condominiums or apartments, may be treated as detached dwelling unit properties in the application of the stormwater utility fee.

(4) Exempt properties. There shall be no utility fee for exempt property. (as added by Ord. #08-153, Feb. 2008)

**18-813. Exemptions and credits applicable to stormwater utility fees.** Except as provided in this section, no public or private property shall be exempt from stormwater utility fees or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater utility fees shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities.

(1) The following exemptions from stormwater utility fees shall be allowed:

(a) Undeveloped land (less than five hundred (500) square feet of impervious area) as defined in this chapter shall be exempt from stormwater utility fees;

(b) Railroad tracks shall be exempt from stormwater utility fees. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater utility fees.

(c) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the City of Alcoa and/or Federal governments, or any political subdivision thereof and are available for use in common for vehicular transportation by the general public.

(d) Agricultural property. Any farming practice having a total impervious area of less than ten percent (10%).

(e) Public parks, greenways, and other public recreational facilities having a total impervious area of less than fifty percent (50%).

(f) Developed property having stormwater that discharge into a zero-discharge pond, sinkhole or impounded reservoir of the Tennessee Valley Authority without traveling through, over, or benefitting from any portion of the city's stormwater system.

(g) Public airport runways and taxiways shall be exempt from stormwater utility fees. However, terminals, maintenance buildings, service roads or other developed land used for airport purposes shall not be exempt from stormwater utility fees.

(2) Stormwater utility fee credits shall be allowed for the following activities/occurrences when initiated at the discretion of the City of Alcoa and in accordance with the Alcoa Stormwater Utility Manual as described in § 18-811 or as may be specified in duly adopted fee schedules:

(a) Other developed lands that have, and maintain in proper working order, on-site stormwater detention and retention systems that reduce the peak rate of stormwater discharge. Certification and maintenance criteria shall be set forth in the Alcoa Stormwater Utility Manual.

(b) Public and private schools and school systems located in the City of Alcoa that teach approved stormwater conservation curricula. This credit will be allowed when that portion of the city's NPDES phase II permitted education program is in place.

(c) Other developed lands that have, and maintain in proper working order, on-site stormwater best management practices that reduce the impact of stormwater runoff on water quality in accordance with water quality standards set forth in the Alcoa Stormwater Utility Manual.

(d) Other developed lands that have, and maintain, a Tennessee multi-sector general permit for industrial activities.

(e) Other developed lands that have, and maintain, a national pollutant discharge elimination system industrial stormwater discharges associated with industrial activity permit.

(f) Other developed lands that have a direct stormwater discharge that is generated on the property immediately adjacent to a stream and flows directly to the waterbody in accordance with criteria set forth in the Alcoa Stormwater Utility Manual.

(3) The Alcoa Stormwater Utility Manual shall specify the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a fee credit, and how such credits shall be calculated.

(4) The stormwater utility fee credit shall be determined based on the technical requirements and standards contained in the Alcoa Stormwater Utility Manual. The stormwater utility fee credit shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.

(5) Groups of detached dwelling units represented by a homeowner's association providing on-site systems or facilities that reduce or mitigate the stormwater utility's cost of providing stormwater management services and facilities may receive a stormwater utility fee credit. The stormwater utility fee credit shall be determined based on the technical requirements and standards contained in the Alcoa Stormwater Utility Manual. The stormwater utility fee credit available to groups of detached dwelling units shall be proportional to the extent that on-site systems and facilities provided, operated, and maintained by the homeowners association reduce or mitigate the stormwater utility's cost of providing services and facilities.

(6) Any credit allowed against the stormwater utility fee is conditioned on continuing compliance with the city's design and performance standards as stated in Alcoa Stormwater Utility Manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for non-compliance. A thirty (30) days notice of a non-complying condition and intent to revoke a stormwater utility fee credit shall be provided to the stormwater utility customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance. (as added by Ord. #08-153, Feb. 2008, as amended by Ord. #08-181, Oct. 2008)

**18-814. Stormwater utility fee billing, delinquencies, and collections.** A stormwater utility fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the

bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater utility fee. If a customer is under billed or if no bill is sent for developed land, the city may backbill for a period of up to the maximum allowed by state statute, but in such cases shall not assess penalties for any delinquency. A late charge will be based upon the unpaid balance in accordance with the applicable utility service policies of the City of Alcoa. (as added by Ord. #08-153, Feb. 2008)

**18-815. Application of utility fees billed in common.** The stormwater utility fee shall be billed and collected along with other city utility services. Any payment of utility fees billed in common shall be applied to the customer's bill as established through the prevailing policies and ordinances of the City of Alcoa. (as added by Ord. #08-153, Feb. 2008)

**18-816. Removal or cessation of utility services.** The City of Alcoa may remove or cease to provide any utility service(s) as it determines necessary to enforce the payment of any/all city utility fees including the stormwater utility fee. (as added by Ord. #08-153, Feb. 2008)

**18-817. Alcoa Stormwater Board of Appeals.** 1. Creation. An Alcoa Stormwater Board of Appeals (ASBA) is hereby established, consisting of three (3) members to hear appeals filed by any person(s) appealing a utility fee, civil penalty or damage assessment, or appealing / requesting a variance for other action imposed pursuant to stormwater related ordinances.

The following criteria shall pertain to the ASBA:

(a) The board of commissioners shall appoint the members of the ASBA;

(b) All members of the ASBA shall be citizens of the City of Alcoa;

(c) The board of commissioners shall select appointees so that the ASBA will consist of individuals with an expertise as follows:

(i) A representative of the engineering profession who meets one (1) of the following criteria:

(A) A professional engineer with three (3) years of civil or environmental engineering experience as a professional engineer; or

(B) Other professional in the civil or environmental engineering field with extensive knowledge and experience in stormwater management issues.

The ASBA engineering representative may reside outside the City of Alcoa but should be a Blount County resident.

(ii) One (1) representative of the development or industrial community;

(iii) One (1) member at large;

(iv) In addition to the above qualifications one through four, one (1) of the three (3) members must have at least three (3) years civil or environmental engineering experience.

(v) Any member may be actively employed or a retiree.

(d) ASBA members shall serve for a term of three (3) years. An ASBA member shall continue to serve, however, until a successor has been appointed, or until the ASBA member has been reappointed. The terms of the original ASBA members shall be staggered so that the term of one member shall expire each year. In making the initial appointments to the ASBA, the commission shall designate the initial term of the appointees so as to provide for staggering the expiration of terms of the appointees.

(e) An appointment to succeed a ASBA member who is unable to serve said member's full term shall be for the remainder of said member's term.

(f) ASBA members may be reappointed, but shall not succeed themselves without appointment as provided above.

(g) ASBA members shall serve without compensation.

(h) No ASBA member shall participate in the appeal of any matter in which the member has a direct personal or financial interest.

(2) Organizations. When said board has been duly appointed, they shall take an oath as prescribed by the Charter of the City of Alcoa, applicable to all other officials of said city.

(a) Said Alcoa Stormwater Board of Appeals shall annually elect one of its members to serve as chair and another member to serve as vice-chair through a majority vote of all members. The terms of the chair and vice-chair shall be one (1) year with eligibility for re-election.

(b) The ASBA shall keep complete and accurate records of the proceedings of all their meetings. The city manager or his designee shall designate a person to serve as secretary to the ASBA.

(3) Procedure. Meetings of the Alcoa Stormwater Board of Appeals shall be held at the call of the chair, and at such other times as the board may determine. Such chair, or, in his absence, the acting vice-chair, may administer oaths and compel the attendance of witnesses.

(a) Two (2) members of said board shall constitute a quorum for the transaction of business, and shall be necessary for the adoption of any resolution or the passage of any motion.

(b) All meetings of the board shall be open to the public.

(c) The board shall adopt rules of procedure and shall keep records of appeals and action thereon, and its reasons for the decision, which shall be a public record.

(4) Appeals. Any person requesting a variance, aggrieved by the imposition of a civil penalty, damage assessment or enforcement of any provision as provided in any stormwater ordinances may appeal said penalty or damage assessment to the Alcoa Stormwater Board of Appeals (ASBA).

(a) The notice of appeal shall be in writing on a form provided and filed with the public work and engineering department within thirty (30) days after the contested action, assessment, penalty, etc. is served in any manner authorized by law.

(b) The director of public works and engineering or his designee shall transmit to the Alcoa Stormwater Board of Appeals the notice of appeal and support documentation constituting the record upon which the action appealed was taken. Upon the hearing any person or party may appear in person or by agent or by attorney.

(c) Upon receipt of an appeal, the ASBA shall hold a public hearing within sixty (60) days, or a later date mutually agreed upon by the parties. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a local daily paper of general circulation. Ten (10) days notice shall be provided to the aggrieved party at the address provided at the time of appeal.

(d) Any alleged violator may appeal a decision of the ASBA pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

(e) If a petition for review of such action, assessment, penalty, etc. is not filed within thirty (30) days after the action, assessment, penalty, etc. is served in any manner authorized by law, the violator shall be deemed to have consented to the damage assessment or civil penalty, and it shall become final.

(5) Powers. The Alcoa Stormwater Board of Appeals shall have the following powers:

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by public works and engineering or other administrative official in the carrying out or enforcement of any provision of any stormwater related ordinance.

(b) Variance. To hear and decide appeals for variance from the terms of a stormwater related ordinance, by reason of extraordinary or exceptional situation or condition of a piece of property, whereby the strict application of the provisions of any stormwater related ordinance would result in impractical difficulties to or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any stormwater related ordinance. In granting a variance the ASBA may attach thereto such conditions regarding the location, character and other related stormwater features

use, as it may seem advisable in furtherance of the purpose of this chapter.

(c) Subpoenas. The ASBA may issue subpoenas requiring attendance of witnesses and production of such evidence as requested, administer oaths, and take testimony, as the board deems necessary to fulfill its purpose.

(6) Stormwater utility fee appeals. Any stormwater utility customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

(a) An appeal must be filed in writing with the City of Alcoa Department of Public Works and Engineering. In the case of utility fee appeals, the appealing customer may provide either of the following:

(i) If aerial photography or other mapping is available that may be used to accurately depict the subject property's existing conditions, the appellant may utilize such mapping to demonstrate the total impervious area and the relationship of the same to the prevailing schedule of stormwater fees.

(ii) A plan of the property prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events

(iii) The appellant may submit any other relevant evidence available to support their appeal.

(b) Using the information provided by the appellant, the city manager or his designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. If no response is prepared within sixty (60) days of the date of the receipt of the appeal or a written extension, the appeal will be considered approved.

(c) In response to an appeal the city manager or his designee may adjust the stormwater utility fee applicable to a property in conformance with the general purpose and intent of the chapter.

(d) A decision of the city manager or his designee, which is adverse to an appellant, may be further appealed to the Alcoa Stormwater Board of Appeals (ASBA) within sixty (60) days of the adverse decision. Notice of the appeal shall be delivered to the secretary of the ASBA by the appellant, stating the grounds for further appeal.

(e) The appeals process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction. (as added by Ord. #08-153, Feb. 2008, and amended by Ord. #10-222, Feb. 2010)