

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. WATER.
2. SEWERS.
3. COMMERCIAL AND INDUSTRIAL DISCHARGES  
TO SEWER SYSTEM.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

#### CHAPTER 1

#### WATER

#### SECTION

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**18-101. Fluoridation authorized.** (1) The Water Department of the City of Bartlett, Tennessee, is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Bartlett, Tennessee; to submit such plans to the Department of Environment and Conservation of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Stormwater management: title 14, chapter 2.

(2) The cost of such fluoridation will be borne by the revenue of the Water Department of the City of Bartlett, Tennessee. (Ord. #61-1, March 1961)

**18-102. Water meter required.** No water shall be furnished to any user unless there shall have been installed a water meter satisfactory to the superintendent of the water system. (Ord. #1974-4, March 1974)

**18-103. Water meter reading.** Each water meter shall be read monthly and bills shall be rendered as promptly as may be practical following the respective readings. In the event any such bill or bills are not paid by the due date, a penalty of ten percent (10%) shall be added thereto. Service may be discontinued after sixty (60) days of non-payment of amount due. Exceptions may be made based on extenuating circumstances. (Ord. #1974-4, March 1974, modified, as amended by Ord. #11-07, Oct. 2011)

**18-104. Estimated water usage permitted.** If the employees of the Bartlett Water Department are unable to obtain access to the water meter to read same during regular business hours, or if a meter should for any reason fail to register or fail to correctly register the consumption, the Bartlett Water Department reserves the right to render a bill to the customer on the best information available. (Ord. #92-2, Feb. 1992)

**18-105. Service connection fee established.** A non-refundable service connection fee will be charged for each new water service customer, or change in existing customer, according to the following schedule:

City

Residential	\$ 35.00
Commercial	\$100.00

Rural

Residential	\$ 50.00
Commercial	\$150.00 (Ord. #02-09, Aug. 2002)

**18-106. [Deleted.]** (Ord. #94-9, July 1994, as amended by Ord. #05-03, June 2005, and deleted by Ord. # 14-07, Sept. 2014)

**18-107. Temporary fire hydrant permit and connection.** Any operation of a fire hydrant within the City of Bartlett's water system without an approved fire hydrant meter permit is prohibited. Permits can be obtained from the public works department and will be approved administratively.

A refundable user fee of one thousand dollars (\$1,000.00) is required prior to the issuance of any fire hydrant meter permit. Permit holders will also be required to pay a twenty-five dollar (\$25.00) monthly rental fee, plus the cost of

all water used at the current commercial rate for city users. (Ord. #02-09, Aug. 2002, as replaced by Ord. #09-05, Aug. 2009)

**18-108. Discontinuance of water service.** A disconnect/reconnect fee of thirty dollars (\$30.00) will be assessed any water service customer who has had their service disconnected by the Bartlett Water Department for non-payment of water or sewer service charges or for tampering with a water meter or other department equipment.

Payment of all service charges due, including the reconnection fee, shall be made in full, in cash or by authorized credit or debit card or any other verifiable form of payment, for service to be restored. (Ord. #02-09, Aug. 2002, as amended by Ord. #11-10, Nov. 2011)

**18-109. Meter installation--existing tap.** The water meter installation fee for an existing tap to be collected at the time of a building permit is issued shall be as follows:

¾" Meter	\$ 350.00
1" Meter	\$ 500.00
1 ½ Meter	\$ 800.00
2" Meter	\$1,200.00 (Ord. #02-09, Aug. 2002)

**18-110. Damaged meter box, meter, register, transponder or meter lock fee.** (1) If a meter box is damaged by the customer, or his contractor or representative and has to be replaced, the fee will be:

¾" Box	\$100.00
1" Box	\$150.00
1½ Box	\$150.00
2" Box	\$150.00

(2) If a meter is damaged by the customer, or his contractor or representative and has to be replaced, the fee will be:

¾" Meter	\$125.00
1" Meter	\$175.00
1½ Meter	\$300.00
2" Meter	\$400.00

(3) If a register is damaged by the customer, or his contractor or representative and has to be replaced, the fee will be:

¾" Register	\$100.00
1" Register	\$125.00
1½ Register	\$150.00
2" Register	\$200.00

(4) If a transponder is damaged by the customer, or his contractor or representative and has to be replaced, the fee will be:

¾" Transponder	\$250.00
1" Transponder	\$275.00

1½ Transponder \$275.00

2" Transponder \$275.00

(5) If a meter lock mechanism is damaged and cannot be used again, the customer will be charged a fee of one hundred dollars (\$100.00). (Ord. #02-09, Aug. 2002)

**18-111. [Deleted.]** (Ord. #96-07, July 1996, as deleted by Ord. #14-07, Sept. 2014)

**18-112. Unpaid bill; prior address.** Any customer's unpaid bill accrued at a prior address shall be added to the customer's bill for his current address, and be subject to any additional fees or penalties imposed by this section. (Ord. #1974-4, March 1974)

**18-113. [Deleted.]** (Ord. #1974-4, March 1974, as deleted by Ord. #11-09, Oct. 2011)

**18-114. Excess bill procedure.** In the event a customer is rendered a bill in excess of his average bill and said excess is due to a leak at the meter, damaged meter, or in any way the responsibility of the Bartlett Water Department, the bill is to be adjusted so as to make the amount due equal to the average amount as ascertained by the previous six (6) months' billings, or, if this information is not available, by the best information available.

In the event of a water leak on the customer's side of the meter the procedure of the Bartlett Water Department is to check the customer's average bill for the same month in previous years and divide the excess usage in half. The customer shall pay the amount equal to an average bill, plus one-half (½) of the excess. The customer shall be allowed one (1) leak adjustment in a twelve (12) month period. (Ord. #02-09, Aug. 2002)

## CHAPTER 2

### SEWERS

#### SECTION

- 18-201. Sewer connection required.
- 18-202. [Deleted.]
- 18-203. [Deleted.]
- 18-204. [Deleted.]
- 18-205. [Deleted.]
- 18-206. Approved septic system.
- 18-207. Unapproved septic systems prohibited.

**18-201. Sewer connection required.** All owners, tenants or occupants of each lot or parcel of land abutting a street or public way containing sanitary sewers, and upon which a building exists for residential, commercial or industrial purposes or which may be hereafter built for such purposes, shall, within sixty (60) days after the sewer system is complete and in operation, connect to said sewer system, at their own expense, and pay the sewer service charge hereinafter fixed. (Ord. #57-3, May 1957)

**18-202. [Deleted.]** (Ord. #96-07, July 1996, as deleted by Ord. #14-07, Sept. 2014)

**18-203. [Deleted.]** (Ord. #05-01, March 2005, as deleted by Ord. #14-07, Sept. 2014)

**18-204. [Deleted.]** (Ord. #79-32, Jan. 1980, as deleted by Ord. #12-12, Oct. 2012)

**18-205. [Deleted.]** (Ord. #87-2, March 1987, as deleted by Ord. #12-11, Oct. 2012)

**18-206. Approved septic system.** All owners, tenants or occupants of existing residences, commercial or industrial establishments now using approved septic tank disposal systems and whose systems pass the periodic inspections of state and county health authorities, shall be given an additional period of sixty (60) months from the effective date of the ordinance comprising this section within which to connect to the town's sewage system though they shall not be relieved of the sewer service charge hereinabove fixed. (Ord. #57-3, May 1957)

**18-207. Unapproved septic systems prohibited.** In the event any septic tank disposal system fails to pass the periodic inspections of the state and

county health authorities, or should otherwise fail to function properly, said owner, tenant or occupant shall immediately connect to said sewer system as provided in § 18-201 hereof. (Ord. #57-3, May 1957)

**CHAPTER 3****COMMERCIAL AND INDUSTRIAL DISCHARGES  
TO SEWER SYSTEM****SECTION**

- 18-301. Definitions.
- 18-302. Discharge agreements required of certain dischargers.
- 18-303. Application for discharge agreement.
- 18-304. Contents, matters subject to agreement.
- 18-305. Time period of agreements; modifications and changes, effects on time period; formulation of standard agreement.
- 18-306. Limitation to specific operation of specific user; nontransferable.
- 18-307. Revocation of agreements.
- 18-308. Monitoring facilities, provisions to be outlined in discharge agreement.
- 18-309. Right of inspection; access to premises of approving authority.
- 18-310. Availability of information on user to public; use of information accepted as confidential.
- 18-311. Discharges of stormwater, groundwater, etc., into sanitary sewer prohibited; exceptions.
- 18-312. Discharge of stormwater and other unpolluted drainage to storm sewers and natural outlets, approval required; discharges into sanitary sewer system other than through building sewer, permit required.
- 18-313. Discharge of certain harmful wastes prohibited.
- 18-314. Discharge of certain harmful wastes restricted, approval required.
- 18-315. Discretionary actions of approving authority with respect to restricted discharges.
- 18-316. Maintenance and inspection of preliminary treatment or flow equalization facilities.
- 18-317. Control facilities for sampling and observation of industrial wastes.
- 18-318. Measurement and testing methods.
- 18-319. Alternate data bases for determination of waste characteristics.
- 18-320. Accidental and slug discharges.
- 18-321. Discharge of hauled wastes prohibited.
- 18-322. Damaging sewerage works, etc.; maintaining program integrity; accidental spills.
- 18-323. Commercial and industrial sewer fees and charges.
- 18-324. Sewer fee review.
- 18-325. Authority to enter; limitation on extent of inquiry.
- 18-326. Injury to or by city employees engaged in inspection activities.
- 18-327. Authority to enter upon easements for the purposes of inspection of sewerage works.

- 18-328. Termination of service upon finding of violation.
- 18-329. Pretreatment program and local hearing authority.
- 18-330. Complaint procedures.
- 18-331. Violations and penalties.
- 18-332. Damages assessment.

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

(1) "Additional treatment cost" shall mean that portion of the service charge which is levied on those users whose wastes are greater in strength than the concentration values established as representative of normal sewage or wastewater.

(2) "Alkalinity" shall mean the mass of a one hundred (100) percent sulfuric acid required to reduce the pH of a given volume of wastewater to a pH of 7.0. The value is expressed as pounds of sulfuric acid per day.

(3) "Approving authority" shall mean the director of engineering of the City of Bartlett or his duly authorized agent or representative or the Director of Public Works of the City of Memphis or his duly authorized representatives, if applicable.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user shall be:

(a) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer means

(i) A president, secretary, treasurer, or 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 or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

(c) A duly authorized representative of the individual designated in subsection (a) or (b) if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of the well, or well field



superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(5) "Beneficial use" shall mean uses of the waters of the state that may be protected against quality degradation. Uses include domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation, and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.

(6) "BOD (denoting biochemical oxygen demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

(7) "Buildings sewer" shall mean the extension from the building to the public sewer or other place of disposal, also called "house connection."

(8) "Categorical standards" shall mean national pretreatment standards.

(9) "Chlorine requirement" shall mean the amount of chlorine, in milligrams per liter, which must be added to sewage to produce a residual chlorine content or to meet the requirements of some other objective in accordance with procedures set forth in standard methods.

(10) "COD (denoting chemical oxygen demand)" shall mean the measure of oxygen-consuming capacity of inorganic and organic matter present in wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It is expressed in milligrams per liter.

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

(12) "Contributing industry" shall mean those industries discharging into the municipally owned sewer system.

(13) "Director" shall mean the Director of Engineering of the City of Bartlett or the Director of Public Works of the City of Memphis, if applicable.

(14) "Discharge agreement" is the control mechanism issued by the City of Bartlett to selected industrial/commercial users that establish specific parameter limits and other requirements for proper control and monitoring of the wastewater discharges. Failure to comply with the requirements set forth

in these documents will result in enforcement actions which may include administrative fines and withdrawal of the privilege to use the City of Bartlett Wastewater System.

(15) "EPA" shall be defined as the Environmental Protection Agency of the Federal Government.

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

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

(18) "Hydrogen ion concentration." See "pH."

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

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

(21) "Local hearing authority" means the Mayor of the City of Bartlett which is responsible for the administration and enforcement of that program and provisions of this chapter, created pursuant to Tennessee Code Annotated, § 69-3-103.

(22) "Mass emission rate" shall mean the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

(23) "mg/l" shall be defined as a concentration unit of milligrams per liter of solution.

(24) "National pretreatment standards" (or pretreatment standard) means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with the act which applies to industrial users.

(25) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or ground water.

(26) "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Natural water, for example, has a pH value of seven (7) and a hydrogen ion concentration of ten (10) to the negative seventh power.

(27) "Polluted waters" are those waters which, when discharged to a watercourse, cause the deterioration of water quality so as to make such water unsuitable for uses as defined by the regulatory agency.

(28) "Pretreatment agency" shall mean the City of Bartlett.

(29) "Pretreatment program" shall mean, pursuant to Tennessee Code Annotated, § 69-3-103, the rules, regulations and ordinances of the City of Bartlett regulating the discharge and treatment of industrial waste which complies with said state statute 33 U.S.C. 1251 et seq., and 40 C.F.R. 403.1 et seq.

(30) "Priority pollutants" shall mean any chemical substance specified by the EPA or State of Tennessee as being toxic and which is regulated in quantity or in concentration.

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

(32) "Publicly owned treatment works" or "POTW." A treatment works which is owned by the city. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the city, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(33) "Regulatory" agent shall mean the City of Bartlett, the Tennessee Water Quality Control Board, or the Memphis/Shelby County Health Department, or the Division of Water Pollution Control of the Tennessee Department of Public Health and Environment, whichever has jurisdiction.

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

(35) "Service charge" shall mean the assessment levied on all users of public sewer system.

(36) "Sewage" or "wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and storm water that may be present.

(37) "Sewage or wastewater treatment plant" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge; sometimes used as synonymous with "waste-treatment plant" or "water pollution control plant."

(38) "Significant industrial user" or "SIU." Any industrial/commercial user of the City of Bartlett Wastewater System or wastewater systems connected to the City of Bartlett Wastewater System that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I,

subchapter N, and/or has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day and/or; has a discharge which is greater than five (5) percent of the hydraulic flow and/or organic design capacity of the portion of the City of Bartlett Wastewater System being utilized and/or; has a discharge which contains toxic pollutants or priority pollutants as defined pursuant to section 307 of the Act of Tennessee Statutes and Rules and Regulation and/or; is found by the City of Bartlett, the State of Tennessee or the EPA to have significant impact, either singly or in combination with other contributing industries on the wastewater system, the quality of sludge produced the wastewater system's effluent quality, groundwater in the area, or air emission generated by the wastewater system.

(39) "Sludge or wastewater system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(40) "Slug discharge" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge or of any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, is "found" to be detrimental to the operation of the wastewater treatment plant or collection system.

(41) "Standard methods." The analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association; and/or "EPA Methods for Chemical Analysis of Water and Wastes" as per 40 CFR part 136 and amendments thereto; and/or City of Bartlett laboratory procedures for certain tests that detail specific requirements that are not addressed elsewhere or are presented as optional.

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

(43) "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and this is removable by laboratory filtering as prescribed by Standard Methods.

(44) "The Act" shall mean the Federal Water Pollution Control Act, Public Law 92-500, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.

(45) "TOC (denoting total organic carbon)" shall mean the measure of the concentration of covalently bonded carbon which is combustible to carbon dioxide. It is not to be confused with elemental carbon, dissolved carbon dioxide, inorganic carbonates or bicarbonates.

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

(47) "User" shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

(48) "Watercourse" shall mean a channel or conduit in which a flow of water occurs, either continuously or intermittently.

Nothing contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the regulatory agency. When industrial wastes, prior to discharge to a watercourse, are treated in a manner that is approved by the regulatory agency, no connection to the public sewer shall be required. Terms for which definitions are not specifically herein provided shall be interpreted as defined in the current edition of Glossary: Water and Wastewater Control Engineering, as published by the Water Pollution Control Federation, Washington, D.C. (Ord. #03-13, July 2003)

**18-302. Discharge agreements required of certain dischargers.**

Written agreements shall be required of commercial and industrial dischargers who are subject to additional treatment costs, or have potential for discharge of acidic wastewater, or have a process or processes subject to U.S.E.P.A. categorical standards, or discharge wastewater containing priority pollutants, or discharge substances which may be detrimental to the treatment system, or have flow rates of twenty-five thousand (25,000) gallons per day or more. Such commercial and industrial dischargers as designated by the approving authority as requiring discharge agreements shall enter into such agreements to have the use of the municipal wastewater treatment facilities and shall not discharge to the system without such agreements. (Ord. #03-13, July 2003)

**18-303. Application for discharge agreement.** (1) All contributing industries shall apply for and obtain a discharge agreement before connecting or discharging to the municipal system.

(2) The application for a discharge agreement shall contain, but not be limited to, the following information: Standard industrial classification; name and address; volume of wastewater to be discharged; wastewater constituents and characteristics; time and duration of discharge; average wastewater flow rates, including daily, monthly and seasonal variations; site plans and floor plans showing all drains and sewers; and description of activities, facilities and plant processes.

(3) Users seeking a wastewater discharge agreement shall complete and file with the approving authority an application in the form prescribed by the approving authority. (Ord. #03-13, July 2003)

**18-304. Contents, matters subject to agreement.** Wastewater discharge agreements shall be expressly subject to all provisions of this chapter and all other ordinances, regulations, charges and fees administered by the approving authority. The conditions of wastewater discharge agreements shall be uniformly enforced in accordance with such chapter, applicable state

regulations and promulgated pretreatment standards. Agreements may contain, and are not limited to, the following conditions:

(1) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(2) The average and maximum permissible wastewater constituents and characteristics.

(3) Limits on rate and time of discharge or requirement for flow regulation and/or equalization.

(4) Requirements for installation of inspection and sampling facilities.

(5) Pretreatment requirements. Effluent limits based on applicable general pretreatment standards in part 403 of the Federal Regulations, categorical pretreatment standards, local limits, and state and local laws.

(6) Self-monitoring, sampling, reporting, notification and recordkeeping requirements including an identification of the pollutants to be monitored, sample location, sampling frequency, and sample type, number, types and standards for tests, based on the applicable general pretreatment standards in part 403 of the Federal Regulations, categorical pretreatment standards, local limits, and state and local law.

(7) Requirements for submission of technical reports or discharge reports and for maintaining plant records relating to wastewater discharge, as specified by the approving authority, and for affording the approving authority access thereto.

(8) Mean and maximum emission rates, or other appropriate limits, when incompatible pollutants are proposed or present in the user's wastewater discharge.

(9) Penalties and damages for violation of the agreement and provisions of this chapter on prohibited discharges, including any per diem charges and damages. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(10) Statement of duration (in no case more than five (5) years).

(11) Statement of non-transferability.

(12) Compliance schedules as deemed necessary by the city for meeting local ordinance requirements and/or federal categorical pretreatment standards. The following conditions shall for compliance schedules apply for meeting categorical pretreatment standards and/or local ordinance requirements:

(a) 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 facilities required for the industrial user to meet the applicable categorical pretreatment standards.

(b) No increment of progress shall exceed nine (9) months; and

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at 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 industrial 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.

(13) If sampling performed by an individual use 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 and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation or sooner if so directed by the city authorized representatives.

(14) Other conditions as deemed appropriate by the approving authority to insure compliance with this chapter. (Ord. #03-13, July 2003)

**18-305. Time period of agreements; modifications and changes, effects on time period; formulation of standard agreement.** Wastewater discharge agreements shall be issued for a specified time period, not to exceed five (5) years. During the life of the agreement, an annual review shall be assessed. It is also the intent of the agreement to commit the city to receiving and treating the effluents allowed and stated in the agreement for the period of time indicated and to commit the industry to all the necessary sewer fees and restrictions outlined in the agreement. A discharge agreement may be entered into for a period of less than one year or may be stated to expire on a specific date in the event plant or process changes or modifications are necessary. After all modifications and changes have been made and approved, a new discharge agreement shall be entered into. These modifications and changes must be approved by the approving authority. The user shall be informed of any proposed change in his agreement at least thirty (30) days prior to the effective date of change. The terms and conditions of the discharge agreement shall be subject to modification and change during the life of the agreement at the request of the user and with the consent of the city. (Ord. #03-13, July 2003)

**18-306. Limitation to specific operation of specific user; nontransferable.** Wastewater discharge agreements are issued to a specific user for a specific operation. A wastewater discharge agreement shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation which will significantly affect wastewater characteristics. All commercial and industrial dischargers shall promptly notify the approving authority in advance of any substantial change in volume or

character of pollutants in their discharge; especially in regard to any listed hazardous wastes or priority pollutants. (Ord. #03-13, July 2003)

**18-307. Revocation of agreements.** Any user is subject to having his agreement revoked and sewer services discontinued who willfully violates the conditions of the wastewater discharge agreement or any provision of this chapter, or upon the occurrence of any of the following:

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

(2) Failure of the user to report significant changes in operations which affect wastewater constituents and characteristics.

(3) Refusal of reasonable access at the user's premises for the purpose of inspection or monitoring the applicable sewage or wastewater system.

(4) Refusal or failure to pay all appropriate fees or charges. (Ord. #03-13, July 2003)

**18-308. Monitoring facilities, provisions to be outlined in discharge agreement.** Monitoring facilities, in accordance with § 18-327 of this chapter will be required as outlined in the discharge agreement. (Ord. #03-13, July 2003)

**18-309. Right of inspection; access to premises of approving authority.** The approving authority may inspect the sewage and wastewater 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 discharged shall allow the approving authority or its representative ready access at all reasonable times for the purposes of inspection or sampling or in the performance of their duties. The approving authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with security personnel so that, upon presentation of suitable identification, personnel from the approving authority shall be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. #03-13, July 2003)

**18-310. Availability of information on user to public; use of information accepted as confidential.** All information and data on a user obtained from reports, questionnaires, the agreement applications, permits and monitoring programs, and from inspections shall be available to the public without restriction unless the user specifically requests confidential treatment and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information regarding processes or



methods which would be detrimental to the user's competitive position. Information accepted by the approving authority as confidential shall not be transmitted to any other governmental agency by the approving authority until and unless prior and adequate notification is received by the user. Information accepted by the approving authority as confidential shall not be transmitted to the general public by the approving authority unless written permission has been obtained from the user. All information relating to the discharge from a user into the sewer system shall not be confidential information. All such information which is submitted to the approving authority shall be available to the public without restrictions. (Ord. #03-13, July 2003)

**18-311. Discharges of stormwater, groundwater, etc., into sanitary sewer prohibited; exceptions.** No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage or uncontaminated cooling water to any sanitary sewer except by permission of and under permit from the approving authority. (Ord. #03-13, July 2003)

**18-312. Discharge of stormwater and other unpolluted drainage to storm sewers and natural outlets, approval required; discharges into sanitary sewer system other than through building sewer, permit required.** (1) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the regulatory agency. Industrial cooling waters or unpolluted process waters may be discharged, on approval and issuance of an NPDES by the State of Tennessee and approval of the city if to a city storm sewer or natural outlet.

(2) No person shall discharge any substance directly into a manhole or other opening in a public sewer, other than through an approved building sewer, unless he has been issued a permit by the approving authority. No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the approving authority. Unless otherwise allowed by the approving authority under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and wastewater constituents and characteristics. If an agreement or permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as are required by the approving authority. (Ord. #03-13, July 2003)

**18-313. Discharge of certain harmful wastes prohibited.** No person shall discharge or cause to be discharged any of the following described contaminated waters to any public sanitary sewers:

(1) Any wastewater containing petroleum oil (gasoline, benzene, naphtha, fuel oil), nonbiodegradable cutting oil, products of mineral oil origin or any other pollutants which cause interference or pass-through, or create a fire or explosion in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21, as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80K or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 and pollutants which cause an exceedance of ten (10) percent of the lower explosive limit (LEL) at any point within the POTW.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure personnel, cause workers to have acute health or safety problems, or interfere with any sewage or wastewater treatment process or any sanitary sewer system, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage or wastewater treatment plant.

(3) Any contaminated waters or wastes having a pH lower than 5.5 or any other corrosive property capable of causing damage or hazard to the structures, equipment, conveyances, and personnel of the sewage works or interfering with the operation of the treatment facility. No wastewaters having a pH of higher than 10.0 standards units can be discharged to the sanitary sewer without prior approval by the city.

(4) Any wastes or wastewaters shall not include solid or viscous substances in quantities of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, oil, grease, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. Should blood, tissue or other prohibited body parts be unavoidably discharged into the sanitary sewer then such discharge must be accompanied by or immediately followed with a liquid disinfectant, such disinfectant may include bleach.

(5) Any trucked or hauled pollutants, except at discharge points designated by the City of Bartlett's POTW. (Ord. #03-13, July 2003)

**18-314. Discharge of certain harmful wastes restricted, approval required.** (1) No person shall discharge or cause to be discharged the following described substances, materials, contaminated waters, or wastes if it appears likely, in the opinion of the approving authority, that such wastes harm either the sanitary sewers, sewage treatment process, or equipment, have an adverse effect on the receiving streams, or can otherwise endanger life, limb or public

property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the approving authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of compatibility of the particular materials involved with the treatment capabilities of the authority's existing or contemplated treatment works, and other pertinent factors. The limitations or restrictions of materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without a variance being granted as provided for under subsection (2) of this section are summarized in Table 1 and discussed as follows: Conditions at the influent of the treatment plant which will be used as guidance in determining acceptability are presented in Table 2.

(a) Any liquid or vapor having temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade).

(b) Any water or waste containing fats, wax, grease, or oils of hydrocarbon or petroleum origin in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees centigrade). Substance of the above nature shall be treated to reduce the concentration to a level of one hundred (100) mg/l.

(c) Any waste that has not been properly shredded. The installation and operation of any waste grinder equipped with a motor of three-fourths ( $3/4$ ) horsepower or greater shall be subjected to the review and approval of the approving authority.

(d) Any waters or wastes containing strong acid, iron pickling wastes, or any waters or wastes containing concentrated plating solutions whether neutralized or not, except by permission of the approving authority.

(e) Any contaminated waters or wastes containing iron, chromium, copper, zinc, other heavy metals, or toxic substances to such degree that any such discharge exceeds the values in Table 1 or such material received in the composite sewerage at the sewerage plant exceeds the limits established by the approving authority for such material, as shown in Table 2, unless a variance is obtained as described in subsection (2) of this section.

(f) Any waters or wastes containing phenols, to such degree that any such discharge in the composite sewerage at the sewerage treatment plant exceeds the limits established by the approving authority for such material as shown in Table 2, unless a variance is obtained as described in subsection (2) of this section.

(g) Any radioactive wastes or isotopes of long half-life (over one hundred (100) days) without special permit. The radioactive isotopes (I 131 P 32) used at hospitals are not prohibited if properly diluted at the source.

(h) Materials which exert or cause:

(i) Concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) which will cause obstruction to the flow in sewers, damage to the sewer system, or interference with the sewage treatment plant.

(ii) BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute an interference in the sewage treatment works.

(iii) Volume of flow or concentration of wastes constituting "slugs" as defined herein.

(i) Wastewater containing objectionable substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the regulatory agency.

(j) Any wastewater that may cause the wastewater treatment facility effluent or any product of the treatment process residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(k) Any wastewater that could have a detrimental environmental impact or create a nuisance in the waters of the United States of America.

(l) Any wastewater that could cause excessive collection or treatment costs or may use a disproportionate share of the agency facilities.

(m) Wastes not permitted to be discharged into the municipal system and not otherwise adequately treated and discharged, or recycled, must be transported to a state approved disposal site by a permitted waste hauler.

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

(o) Any wastewater containing motor oils or lubricants removed from vehicles or other machinery.

(p) Any wastewater where there is a significant likelihood of producing toxic effects to the biota in the receiving water of the treatment plant or the treatment plant's effluent.

In addition, the following activities are prohibited:

(q) No person shall discharge wastewater into street inlets or through sewer manholes.

(r) No person who generates wastewater at one property shall discharge it at another property without approval from the approving authority.

(s) No person shall store or handle any material including hazardous substances defined by CERCLA, in any area draining to the city sewer system, because discharge or leakage from such storage or handling may create an explosion hazard in the sewer system or treatment plant or may constitute a hazard to human beings or animals or the receiving stream, or in any other way may have a deleterious effect upon the wastewater treatment facilities. Such storage or handling shall be subject to review by the city, and shall require a spill control plan with reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

(t) When it is determined that a user is contributing to the POTW amounts of wastewater described in subsections (a) through (p) or is involved in activities described in subsections (q) through (s) so as to interfere with the operation of the POTW then the approving authority shall:

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

(ii) develop effluent limitation(s) for such user to correct the interference with the POTW without the need to amend these regulations.

(2) Notification of the discharge of hazardous wastes.

(a) The industrial/commercial user shall notify the City of Bartlett POTW, the EPA Regional Waste Management Division Director, and State of Tennessee hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of this rule. Industrial users who commence discharging after the effective date of this

rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(b) Dischargers are exempt from the requirements of subsection (2)(a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

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

(d) In the case of any notification made under subsection (2) of this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(3) For industries covered under a discharge agreement, the aforementioned materials or characteristics of waste or wastewater discharge limitations shall be determined by the city and incorporated into such agreement. Parameters and conditions identified in Table 2 shall be used as guidance in establishing monitoring requirements and in allowing exceptions or variances to Table 1. Such exception or variance will be determined during the preparation and periodic review of the sewer use agreement. Consideration of a variance shall be based on the following criteria as a minimum:

(a) Age, location, land availability, and type of manufacturing processes employed;

(b) Total mass of pollutant discharged by the industry;

(c) Volume of industrial waste in proportion to the total wastewater flow in the system;

(d) Energy requirements of the application of control and treatment technology, but only if the discharger demonstrates that less energy consumptive alternative control technology is not available.

In no case shall a variance be granted for those parameters defined by federal pretreatment regulations as "prohibited discharges."

TABLE 1

MAXIMUM EFFLUENT STANDARDS FOR DISCHARGE OF WASTE  
INTO THE MUNICIPAL SEWERAGE SYSTEM

Constituent	Daily Average* Maximum Concentration mg/l	Instantaneous Maximum Concentration mg/l
Biochemical oxygen demand	(1)	(1)
Settleable solids (ml/l)	(1)	(1)
Total suspended solids	(1)	(1)
Nitrogen (total Kjeldahl)	(1)	(1)
Arsenic	1.0	2.0
Cadmium	(2)	(2)
Chromium (hexavalent)	1.0	2.0
Chromium (total)	5.0	10.0
Copper	5.0	10.0
Cyanide (oxidizable)	2.0	4.0
Cyanide (total)	4.0	8.0
Lead	(2)	(2)
Mercury	(2)	(2)
Nickel	5.0	10.0
Zinc	5.0	10.0
Ammonia NH <sub>3</sub> -N	125 ppm	250 ppm

\*Based on twenty-four (24) hour flow proportionate composite sample

(1) Consistent with treatment plant capacity

(2) Cadmium, mercury, and lead discharges are severely restricted due to limitations placed on the disposal of sewage sludge containing cadmium, mercury, and/or lead. Actual allowable discharge concentrations for these constituents will be determined on a case by case basis.

No person shall discharge wastewater containing any of the materials listed herein into the municipal sewer system or shall have any connection to the municipal sewer system without obtaining written permission from the approving authority.

Acrylonitrile  
Alpha BHC  
Adrin  
Aluminum

3,3-Dichlorobenzidene  
  
1,1-Dichloroethane  
1,2-Dichloroethane

Barium	1,1-Dichloroethylene
Benzene	Dichlorethyl ether (Bis(2-chloroethyl))
Benzo (a) pyrene	1,2-Cis, dichloroethylene
Benzotrichloride	1,2-trans, dichloroethylene
Beryllium	1,2-Dichloropropane
Bis (2-ethylhexyl)phthalate (DEHP)	1,3-Dichloropropane
Bromobenzene	2,2-Dichloropropane
Bromodichloromethane	1,1-Dichloropropane
Bromoform	1,3-Dichloropropane
Carbon tetrachloride	M-Dichlorobenzene
Chlordane	O-Dichlorobenzene
Chlorobenzene	Para-Dichlorobenzene
Chlorodibromomethane	Dieldrin
Chloroethane	Diisobutylenes
Chloroform	Dimethylnitrosamine
2-Chlorophenol	2,4-Dinitrophenol
O-Chlorotoluene	2,4-Dinitrotoluene
P-Chlorotoluene	Ethyl benzene
Cumene	Heptachlor
DDT/DDE/DDD	Hexachlorobenzene
1,2-Dibromo-3-Chloropropane	
Dibutylphthalate	
1,4-Dichlorobenzene(p)	
Hexachlorobutadiene	
Isopropylbenzene	Tin
Lindane	Titanium
Methyl chloride (Chloromethane)	Toluene
Molybdenum	Toxaphene (chlorinated camphene)
PCB-1260	1,1,2-Trichloroethane
	Trichloroethylene
	1,2,3-Trichloropropane
	Vinyl chloride
Phenols	O, M, P-Xylenes
Pyrene	1,1,1,2-Tetrachloroethane
Octachlorodibenzo-P-Dioxin	
Octachlorodibenzofuran	
Total Heptachlorodibenzo-P-Dioxins	
Total Heptachlorodibenzofurans	
Total Hexachlorodibenzo-P-Dioxins	
Total Hexachlorodibenzofurans	
Total Pentachlorodibenzo-P-Dioxins	
Total Pentachlorodibenzofurans	
Total Tetrachlorodibenzo-P-Dioxins	
Total Tetrachlorodibenzofurans	



1,2,3,4,6,7,8-Heptachlorodibenzo-P-Dioxin  
 1,2,3,4,6,7,8-Heptachlorodibenzofuran  
 1,2,3,4,7,8-Hexachlorodibenzo-P-Dioxin  
 1,2,3,4,7,8-Hexachlorodibenzofuran  
 1,2,3,4,7,8,9-Heptachlorodibenzofuran  
 1,2,3,6,7,8-Hexachlorodibenzo-P-Dioxin  
 1,2,3,6,7,8-Hexachlorodibenzofuran  
 1,2,3,7,8-Pentachlorodibenzo-P-Dioxin  
 1,2,3,7,8-Pentachlorodibenzofuran  
 1,2,3,7,8,9-Hexachlorodibenzo-P-Dioxin  
 1,2,3,7,8,9-Hexachlorodibenzofuran  
 2,3,4,6,7,8-Hexachlorodibenzofuran  
 2,3,4,7,9-Pentachlorodibenzofuran  
 2,3,7,8-Tetrachlorodibenzo-P-Dioxin  
 2,3,7,8-Tetrachlorodibenzofuran

Approving authority reserves the right to modify this list of materials prohibited from entering the POTW as may become necessary.

TABLE 2  
 GUIDANCE CONCENTRATIONS IN  
 MUNICIPAL SEWAGE TREATMENT INFLUENT

Parameter	Average Influent Concentrations
BOD (Biochemical oxygen demand)	(1)
SS (settleable solids)	(1)
TSS (Total suspended solids)	(1)
Nitrogen (Total Kjeldahl)	(1)
pH	6-9
Temperature	(2)
Arsenic	--
Cadmium	.005 ppm
Chromium (Hexavalent)	--
Chromium (Total)	0.375 ppm
Cyanide (Oxidizable)	--
Cyanide (Total)	0.605 ppm
Lead	0.25 ppm
Mercury	0.0042 ppm
Nickel	0.273 ppm
Zinc	1.0 ppm
Copper	0.5 ppm
Silver	0.0294 ppm
Phenols	4.5 ppm

Parameter	Average Influent Concentrations
Oil and Grease	100 ppm
Toluene	2.0 ppm
Phenol	0.909 ppm
Methylene Chloride	0.25 ppm
Benzene	0.043 ppm
1,1,1-Trichloroethane	0.25 ppm
Ethyl Benzene	0.04 ppm
Carbon Tetrachloride	0.075 ppm
Chloroform	0.368 ppm
Tetrachloroethylene	0.139 ppm
Trichloroethylene	0.150 ppm
1,2 Transdichloroethylene	0.030 ppm
Naphthalene	0.312 ppm
Bis(2 Etyl Hexyl) Phthalate	0.105 ppm
Butyl Benzl Phthalate	0.333 ppm
Di-n-butyl Phthalate	0.0625 ppm
Diethyl Phthalate	0.222 ppm

(4) Mass limitations. No individual shall discharge a mass loading of the compounds detailed in Table 2 more than fifteen (15) percent of the average allowable influent loading on a daily average maximum level. When comparing these mass limitations and the concentration based on limitations in Table 1, whichever limitation that is more restrictive will apply, unless a variance is obtained as described in subsection (3) of this section.

(a) Consistent with treatment plant capacity as determined by the director of engineering.

(b) Temperature always to be less than one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade). (Ord. #03-13, July 2003)

**18-315. Discretionary actions of approving authority with respect to restricted discharges.** (1) If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in § 18-314 of this chapter and which, in the judgment of the approving authority, are incompatible with the capacities of the treatment works and may therefore have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the approving authority shall do one of the following:

(a) Reject the wastes;

(b) Require pretreatment or an acceptable condition for discharge to the public sanitary sewers;

- (c) Require control over the quantities and rate of discharge;
- (d) Require payment to cover the added cost of handling and treating wastes as provided in § 18-323(1)(b).

(2) If the approving authority permits the pretreatment or equalization of waste flows, the design and installation of any nonprocess pretreatment or flow equalization system installed in connection therewith shall be subject to the review and approval of the approving authority and subject to the requirements of all applicable ordinances and laws. However, this section shall not be interpreted as granting the approving authority any rights to inspect or to require the approval of manufacturing process changes instituted for the purpose of correcting pretreatment or flow equalization problems.

(3) Interceptors, traps, or separators shall be provided by industrial and commercial dischargers (in addition to those cases specified in § 18-314(1)(b)) when, in the opinion of the approving authority, they are necessary for the proper handling of water or waste containing such materials as grease, sand, flammable liquids, substances which may solidify or become viscous in the system, or other harmful ingredients. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the approving authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. (Ord. #03-13, July 2003)

**18-316. Maintenance and inspection of preliminary treatment or flow equalization facilities.** Where preliminary treatment or flow equalization facilities are required for any water or wastewater, they shall be maintained continuously and satisfactorily and in effective operation by the owner at his expense and shall be subject to periodic inspection by the approving authority. The owner shall maintain and make available, as requested, operating records as prescribed by the approving authority. (Ord. #03-13, July 2003)

**18-317. Control facilities for sampling and observation of industrial wastes.** When required by the approving authority, the owner of any property serviced by a sewer carrying industrial wastes shall install a suitable control facility together with such necessary meters and other appurtenances in the sewer to facilitate observation, sampling and measurement of the wastes. As a minimum, those industries with an average daily maximum BOD<sub>5</sub> of ten thousand (10,000) pounds per day or greater and/or with concentrations of one or more of the incompatible waste constituents listed in Table 1 of § 18-314 shall install a monitoring manhole. Those parameters identified in Table 2 of § 18-314 shall be used as guidance in developing the monitoring program. The facility, when required, shall be accessible and safely

located, and shall be constructed in accordance with plans approved by the approving authority. The facility shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. Plans for such facilities for the installation of control and related equipment must be approved by the approving authority before construction is begun. (Ord. #03-13, July 2003)

**18-318. Measurement and testing methods.** All measurements and tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the current edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, or as specified by the division of public works and shall be determined at the control facility provided or upon suitable samples taken at such control facility. Laboratory procedures shall be periodically reviewed by the approving authority and appropriate modifications implemented by the user where unacceptable procedures are identified. In the event that no special facility has been required, the control facility shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. For users without a sewer use agreement, the particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended-solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples. Those users operating under a sewer use agreement will have the method, sample point, and frequency of sampling stated in the agreement. (Ord. #03-13, July 2003)

**18-319. Alternate data bases for determination of waste characteristics.** Until an adequate analysis of a representative sample of the user's waste has been obtained, the approving authority may make a determination of the character and concentration of the waste by using data based on analyses of similar processes or data for this type of business that are available. This method, if selected by the approving authority, shall continue until an adequate analysis has been made. (Ord. #03-13, July 2003)

**18-320. Accidental and slug discharges.** Each user shall provide protection from accidental and/or slug discharge of prohibited materials or other substances regulated by these regulations. Facilities to prevent accidental and/or 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 operation procedures to provide this protection shall be submitted to the

department for review, and shall be approved by the department before construction of the facility. The plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug or accidental discharge, including any discharges that would violate a prohibition under § 18-313, with procedures for follow-up written notification within five (5) days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (include solvents) and/or measure and equipment for emergency response.

All existing users shall complete such a plan within three (3) months of notice to do so by the department. No user who commences a new discharge to the POTW after effective date of these regulations shall be permitted to introduce pollutants into the system until accidental and/or slug discharge procedures have been approved by the city. 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 these regulations. In the case of accidental discharge, it is the responsibility of the user to immediately notify the department of the incident. The notification shall include volume of discharge, duration of event, and corrective actions.

Written notice: Within five (5) days following an accidental discharge the user shall submit to the department 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 these regulations or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board(s) or other prominent places advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #03-13, July 2003)

**18-321. Discharge of hauled wastes prohibited.** No person may discharge hauled wastewater of any type into the Bartlett Sewer System. (Ord. #03-13, July 2003)

**18-322. Damaging sewerage works, etc.; maintaining program integrity; accidental spills.** (1) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest, and shall be guilty of a misdemeanor, and shall be responsible for correcting such damages.

(2) If public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the city in cleaning out, repairing, or rebuilding the sewer.

(3) No unauthorized person shall enter into or alter any manhole or similar appurtenance of any public sewer, put anything therein, or interfere therewith. No person shall insert or place in any public sewer, manhole or other appurtenance thereof any sticks, rubbish or other materials which such sewer manhole or appurtenance thereof was not intended to receive.

(4) The approving authority shall have the authority to implement a program for acquiring the necessary qualified personnel to perform all tasks related to all wastewater functions to insure the integrity of the total program.

(5) In order to insure the integrity of the wastewater treatment facilities at a high level and protect the treatment process from unacceptable flows, any person causing an accidental spill shall notify the approving authority as to its nature, relating its quantity and the time of such spill, so that action may be taken at the wastewater treatment facility to deal with any problems which the incoming flow may create. (Ord. #03-13, July 2003)

**18-323. Commercial and industrial sewer fees and charges.**

(1) Sewer service charge. The sewer service charge shall be made up of two (2) types of charges:

(a) Volumetric charge. All customers will be charged a volumetric charge based on the equivalent strength of domestic sewage (BOD<sub>5</sub> of two hundred fifty (250) milligrams per liter, SS of three hundred (300) milligrams per liter). The volumetric charge shall be those charges shown in § 18-203, "Sewer rates."

(b) Additional treatment cost. In addition to the volumetric charge, all users who discharge wastewater with a strength greater than domestic sewerage (BOD of two hundred fifty (250) milligrams per liter, SS of three hundred (300) milligrams per liter) will be assessed an additional treatment charge (ATC) based on the following formula:

Where:

$$ATC = \frac{U(B)T(B)}{B} + \frac{U(S)T(S)}{S}$$

UB	=	BOD loading in excess of 250 milligrams per liter
T(B)	=	Treatment costs assigned to BOD (includes debt service, operation, maintenance, and replacement costs)
B	=	Total BOD loading or BOD capacity of treatment plants, whichever is less
U(S)	=	Suspended solids loading in excess of 300 milligrams per liter
T(S)	=	Treatment costs assigned to suspended solids (includes debt service, operation, maintenance, and replacement costs)
S	=	Total suspended solids loading or suspended solids capacity of treatment plants, whichever is less

Sampling frequency for determination of the ATC will be specified in the sewer use agreement.

COD or TOC analytical results may be used in lieu of BOD test if the BOD test is not applicable due to a toxic effect of the wastewater or a substantial correlation can be developed between BOD and the substitute test, and if allowed by the approving authority. If a BOD test is not applicable due to a toxic effect, then the approving authority has the authority to require the discharger to determine the cause of the toxic effect and then to eliminate the constituent causing the toxic effect.

(2) Private wells. Those users having private wells will install either water meters on the wells or approved metering devices on wastewater discharged to the city sewers. Users will be classified as residential or commercial-industrial according to classifications established by the city.

Any user desiring to exercise his option of installing an approved metering device shall notify the approving authority of his exercise of the option, and the approving authority from the date of installation of the metering device shall adjust its charges back to the date of the notice of the user to install the metering device or ninety (90) days, whichever is sooner and such adjustment shall be based upon the average charge for the ninety (90) days following the installation of the metering device. Those users having private wells shall have ninety (90) days in which to install a water meter or a metering device for measuring wastewater discharged into the city sewer system. The city shall estimate charges for the period of time prior to the installation of the device and shall adjust the charges based on ninety (90) days' experience after the installation of the device. If a private well owner installs a water meter and thereafter elects to install a metering device for measuring wastewater discharge into the city sewerage system, then he likewise shall have his charges adjusted from the time of the installation of the device back to the date of notice to the approving authority or ninety (90) days, whichever is sooner, and such adjustment shall be based on the charges for ninety (90) days following the installation. Wherever used in this section, the word "sewer" shall mean "sanitary sewer." (Ord. #03-13, July 2003)

**18-324. Sewer fee review.** Costs used in the above formulas shall be based upon a five-year average, and rates shall be reviewed annually and approved or adjusted by the board of mayor and aldermen by resolution or ordinance. (Ord. #03-13, July 2003)

**18-325. Authority to enter; limitation on extent of inquiry.** Representatives of the approving authority, regulatory agency and other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter appropriate property areas at all reasonable times for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The approving authority shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. #03-13, July 2003)

**18-326. Injury to or by city employees engaged in inspection activities.** While performing the necessary work on private properties referred to in § 18-325 above, the approving authority or duly authorized representatives of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the city employees, except as hereinafter provided, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the performance of the necessary work on private property by such city employees, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-317. (Ord. #03-13, July 2003)

**18-327. Authority to enter upon easements for the purposes of inspection of sewerage works.** The approving authority and other duly authorized representatives of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #03-13, July 2003)

**18-328. Termination of service upon finding of violation.** The approving authority may enter upon private property and terminate service to the property in which a violation of any rule or regulation of this chapter is found to exist. Prior to termination of service, however, the approving authority



shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be terminated, and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of the proposed termination of service, and reasons therefor, and the approving authority shall hold a hearing upon such intended termination. Such hearing shall not be held less than ninety (90) days subsequent to the giving of notice as herein required. (Ord. #03-13, July 2003)

**18-329. Pretreatment program and local hearing authority.**

(1) General duties. The local hearing authority, pursuant to Tennessee Code Annotated, § 69-3-103, is responsible for the administration and enforcement of the pretreatment program and the said state statute.

(2) Hearings. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

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

(b) The hearing herein provided may be conducted by a local hearing authority at a regular or a special meeting.

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

(d) In connection with the hearing, the director shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Shelby County Chancery court shall have jurisdiction upon the application of the local hearing authority or the director to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

(e) The local hearing authority may administer oaths and examine witnesses.

(f) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law

and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the local hearing authority.

(g) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (3).

(h) Any person to whom an emergency order is directed pursuant to § 18-330(2) shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

(3) Appeal. An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made. (Ord. #03-13, July 2003)

**18-330. Complaint procedures.** (1) Complaint issued by director.

(a) Whenever the director has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the director may cause a written complaint to be served upon the alleged violator or violators.

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

(c) Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-329(2)(h), no later than thirty (30) days after the date such order is served; provided, however, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments.

(2) Emergency circumstances. (a) Whenever the director finds than an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the publicly owned

treatment works of the pretreatment agency, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency up to and including immediate termination of sewer service.

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

(3) Except as otherwise expressly provided, any notice, complaint, order or other instrument issued by or under authority of this section may be served on any person affected thereby personally, by the director or any person designated by him, or such service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the director. (Ord. #03-13, July 2003)

**18-331. Violations and penalties.** (1) Violations. (a) Any person including, but not limited to industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(i) Violates an effluent standard or limitation imposed by a pretreatment program;

(ii) Violates the terms or conditions of a discharge agreement issued pursuant to a pretreatment program;

(iii) Fails to complete a filing requirement of a pretreatment program;

(iv) Fails to allow or perform an entry, inspection, monitoring or reporting requirement of a pretreatment program;

(v) Fails to pay user or cost recovery charges imposed by a pretreatment program; or

(vi) Violates the regulations for transportation or disposal of hauled wastes.

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

(i) The director may issue an assessment, administrative order, cease and desist order, or notice of violation against any person or industrial user responsible for the violation;

(ii) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the director a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the local hearing authority

and if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final;

(iii) Whenever any assessment has become final because of a person's failure to appeal the director's assessment, the director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment.

(iv) In assessing the civil penalty the director may consider the following factors:

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

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

(C) Cause of the discharge or violation;

(D) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

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

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

(G) The economic benefit gained by the violator.

(v) The director may institute proceedings for assessment in the chancery court in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

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

(i) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of the department of health and environment for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs. The state's share of

any additional costs of this section shall be funded in accordance with Tennessee Code Annotated, § 9-4-5303, from the increase in state imposed taxes which are earmarked to counties and which are not designated by such counties for a particular purpose.

(2) Public notification and significant noncompliance. (a) As required by 40 CFR 403.8, Federal Pretreatment Program Requirement of the City of Bartlett will publish annually in the largest daily newspaper the names of all industrial/commercial users which at any time during the year were in significant noncompliance with applicable pretreatment requirements. For purposes of this chapter, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(ii) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or long term average) that control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or general public);

(iv) 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.

(v) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, and reports on compliance with compliance schedules;

(vii) Failure to accurately report noncompliance;

(viii) Any other violation or group of violations which the control authority determines will adversely affect the operation or

implementation of the local pretreatment program. (Ord. #03-13, July 2003)

**18-332. Damages assessment.** (1) The director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or §§ 18-329, 18-330, 18-331 or 18-332 herein.

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

(3) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or Tennessee Code Annotated, § 69-3-103 in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(4) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the director may apply to the appropriate court for a judgment, and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of the assessment. (Ord. #03-13, July 2003)

## CHAPTER 4

### CROSS CONNECTIONS AND AUXILIARY INTAKES

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. 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 Bartlett for general use and which is recognized as a public water system by the Tennessee Department of Environment and Conservation.

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

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

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

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-402. Standards.** The City of Bartlett 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 Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection, to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Cross Connection Supervisor of the City of Bartlett Public Water System. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-404. 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 cross connection supervisor a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-405. Inspections required.** It shall be the duty of the cross connection supervisor of the public water system 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 reinspections, based on potential health hazards involved, shall be established by the Cross Connection Supervisor of the Bartlett Public Water System and as approved by the Tennessee Department of Environment and Conservation. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-406. Right of entry for inspections.** The cross connection supervisor or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Bartlett Public Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system



or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-407. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Cross Connection Supervisor of the Bartlett Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Bartlett 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 physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water 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 system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-408. 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 or 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 Cross Connection Supervisor of the Bartlett Public Water System or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is

contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Cross Connection Supervisor of the Bartlett Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Bartlett Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the cross connection supervisor 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 cross connection supervisor 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 Cross Connection Supervisor of the Bartlett 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. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Bartlett Public Water System. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-409. Unpotable water to be labeled.** In order that the potable water supply 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

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the Bartlett 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 Bartlett 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 more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #79-3, Feb. 1979, as amended by Ord. #86-13, June 1986, modified)