

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWERS.
2. SEWAGE.
3. WATER.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. STORMWATER ADVISORY COMMITTEE (SWAC).

CHAPTER 1

SEWERS

SECTION

- 18-101. Permit required for sewer connections.
- 18-102. Sewer connection, tap installation, and infrastructure construction charge.
- 18-103. Sewer service charge.
- 18-104. Sewers outside the corporate city limits.
- 18-105. Sanitary sewer impact fee.
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18-101. Permit required for sewer connections. It shall be unlawful for any person to make or cause, or allow to continue, any connection with any of the sewers of the city without first obtaining a permit from the city manager. (1968 Code, § 13-201)

18-102. Sewer connection, tap installation, and infrastructure construction charge. (1) A sewer connection charge is assessed for all users connecting to the sanitary sewer system and is payable on each lot at the time of the issuance of a certificate of occupancy for such lot or one (1) year from the date of the issuance of a building permit and/or sewer permit whichever date occurs first. The sewer connection charge shall be three thousand six hundred dollars (\$3,600.00) for each such connection unless the parcel contains multiple dwelling units. The sewer connection charge for multiple dwelling units located

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Wastewater department: § 1-207.

within one (1) parcel shall be one thousand eight hundred dollars (\$1,800.00) per dwelling unit.

(a) Property which has been previously assessed by the city for construction and installation of the sanitary sewer (prior to May 4, 2005) shall not be subject to the connection charge.

(b) Property where structures were physically connected to public sewer and such structures have been removed are not subject to this connection charge when a building permit for structural replacement is approved and issued within twenty-four (24) months of the date of final previous monthly sewer service payment. If such building permit becomes null and void and a valid permit is not issued and approved within said twenty-four (24) months, the property shall be subject to this connection charge. Proof of date of demolition/removal and final previous sewer service payment shall be submitted for approval at the time of building permit application.

(2) A tap installation charge is assessed and payable prior to the city providing labor, equipment or materials to install or locate the portion of the sewer line between the city's sewer main and the customer's part of the service lateral. The installation charge consists of the costs of labor, materials, and equipment involved in installing the service line tap and required appurtenances, and will be paid in accordance with the following schedule:

TAP INSTALLATION CHARGE SCHEDULE (ALL CUSTOMERS)

<u>Type Sewer Service</u>	<u>Complete Tap Installation</u>	<u>Location of Tap Only</u>
4" Sewer Line Tap	\$800	\$65
6" Sewer Line Tap	\$950	\$65
Existing Tap	-----	\$65

(a) In the event the city does any installation work not covered in the table of installation charges, the cost of such work shall be charged to the customer according to a schedule of rates established by the wastewater department. The installation charge is to be paid at the time the sewer permit is issued.

(b) The wastewater department may allow or instruct the applicant for a permit to install the required tap in lieu of tap installation fees. This decision is entirely at the discretion of the wastewater department. The charge for identifying the tap location will remain applicable on all permits.

(c) Multiple structures located within one parcel of property that will utilize existing service lines or construct new service lines as a means to connect to public sewer, are subject to the applicable tap installation charge. (examples: mobile home parks, guest houses, apartment, etc.)

(3) A sewer infrastructure construction charge of three thousand six hundred dollars (\$3,600.00) per benefited property is hereby enacted for the extension of new sewer services.

(a) All infrastructure construction charges are due and payable at the time of issuance of a sewer permit; however in the event the city is extending its sanitary sewer infrastructure, to the property in question, the property owner may notify the city in writing that he elects to pay said sewer infrastructure construction charge in five (5) annual installments as herein provided. If the property owner elects to pay said charge in annual installments, said infrastructure construction charge amount shall bear interest at the rate of six percent (6%) per annum on the unpaid balance. A property owner desiring to exercise the privilege of payment by installment shall, before the issuance of the sewer permit, enter into an agreement in writing with said city. Such agreement shall provide that in consideration of such privilege the property owner will pay the same as agreed with the specified interest and all costs of collection, including a reasonable attorney's fee upon default as hereinafter provided. Said agreement is to be filed in the office of the city recorder, or person designated, and in all cases where such agreement has not been signed and filed, the charges shall be paid in full before the issuance of the sewer permit. Any property owner who elects in writing to pay the sewer infrastructure construction charge in five (5) installments shall have the right and privilege of paying the charge in full at any installment period by paying the full amount of the installments, together with all accrued interest. If any property owner defaults in the payment of any installment and interest thereon, all of said installments, with interest, shall become immediately due and payable.

(b) Whenever any installment payment of the sewer infrastructure construction charge becomes past due for a period of sixty (60) days, the city recorder shall certify said delinquent installments to the city attorney, who shall proceed to enforce the collection of said charge, plus accrued interest and costs of collection hereinabove set forth.

(4) If any person issued a permit to connect to the sanitary sewer system of the city fails to make the sewer connection within ninety (90) days after the date of issuance of such permit, and in the meantime, any charge prescribed by this section is increased, then such permit is void and of no further force and effect. To have the permit reinstated, the person must pay the difference between the previously paid charge and the newly enacted charge.

(5) Written requests for refunds of sewer connection or tap installation charges shall be made within ninety (90) days of the date of the sewer permit. Tap installation charges are non-refundable if tap installation has commenced or the location of the tap has been provided prior to the receipt of the request for refund. All refunds associated with the connection and/or tap installation charges are subject to a five percent (5%) processing charge. After such refund, the sewer permit is void and of no further force and effect.

(6) The obligation to pay the sewer connection and/or tap installation charge established in this section is in addition to, and does not replace, any responsibility to construct or extend collector lines as required under the Columbia Municipal Code and/or the City of Columbia Subdivision Regulations. The obligation to pay the sewer infrastructure construction charge is in addition to, and does not replace, any responsibility for payment of sewer connection or tap installation charges as required under the Columbia Municipal Code. (Ord. #3223, April 1998, replaced by Ord. #3580, Feb. 2005, and amended by Ord. #3861, Sept. 2010, Ord. #3965, Dec. 2013, Ord. #4009, March 2015, Ord. #4228, March 2019 *Ch8_3-12-20*, and Ord. #4323, Dec. 2020 *Ch9_06-09-22*)

18-103. Sewer service charge. (1) All persons, firms or others whose property is located within the corporate limits of the City of Columbia and whose property is accessible to the sanitary sewer system shall be required to pay monthly rates for the usage of said system, said rates for residential customers to be calculated and charged upon the lessor of

(a) Actual water consumption for said period or

(b) One hundred twenty-five percent (125%) of the average water consumption for the months of November thru April. In the case of a new resident where no average for the customer is available, the average will be assumed to be twelve thousand (12,000) gallons.

(2) Rates shall apply as follows:

Effective April 1, 2019

User Charge within City Limits \$ 14.99 per month per service unit

User Charge outside City Limits \$ 28.48 per month per service unit

Volume Charge within City Limits \$ 4.90 per thousand gallons of water

Volume Charge outside City Limits \$ 9 .30 per thousand gallons of water

Seven point forty-two cents (7.42¢) per one thousand (1,000) gallons of the water volume charge shall be designated for the pretreatment program. A service unit shall be determined as the number of electrical meter boxes installed on the property of any person, corporation, firm or others that are users of the City of Columbia sewer system. One user charge shall be paid for each electrical meter installed on a user's property.

(3) Sewer charges for all customers other than residential shall be based on the actual volume equal to the metered water consumption for said period.

(4) Said rates shall be billed simultaneously with rates for water service, shall be subject to the same penalties for delayed payment as are imposed in the case of water bills, and shall be paid and collected in the same manner as water bills. Users will not be permitted to pay the water bill without simultaneous payment of the sewer bill, and in the event of nonpayment within thirty (30) days from the date of such bills, water service shall be discontinued in accordance with state and local regulations.

(5) When a water leak or significant event occurs such that metered water does not enter the sewer and the volume exceeds two hundred percent (200%) of the maximum monthly volume during the past year or thirty thousand gallons (30,000), then the director of wastewater may make an estimate of the appropriate adjustment at the director's discretion. No adjustment shall be made for a charge over six (6) months old nor may the director adjust for more than two (2) charges for any one (1) occurrence. Upon request, the customer shall provide any necessary documentation supporting the request for an adjustment.

(6) Special contracts may be negotiated with any user who discharges into the system sewage of such characteristics as to require additional treatment above that required for ordinary sewage. Said contracts shall contain such rates and charges as shall compensate the city for the additional costs involved. (1968 Code, § 13-203, as amended by Ord. #1881, June 1992, and Ord. #1945, June 1993, Ord. #2009, June 1994, Ord. #2079, June 1995, Ord. #2083, June 1995, Ord. #3072, June 1996, Ord. #3075, June 1996, Ord. #3126, April 1997, Ord. #3127, April 1997, Ord. #3214, May 1998, Ord. #3215, May 1998, Ord. #3284, May 1999, and Ord. #3285, May 1999, and replaced by Ord. #3880, April 2011, and Ord. #4229, March 2019 *Ch8_3-12-20*)

18-104. Sewers outside the corporate city limits. The City of Columbia reserves the right to restrict any and all connections, extensions or additions to the sanitary sewer lines which are within or without the corporate city limits. Where a property owner desires to construct additions or extend sewer lines located outside the corporate city limits, it shall be done only after a petition by the owner for annexation to the City of Columbia, and approval of the annexation by Council of the City of Columbia. In cases where property does not meet statutory conditions for annexation, the city council may allow a single residential connection to the sewer without annexation of the property. The city council, at its sole discretion shall make the determination on a case-by-case basis. Regulatory documentation of an existing septic system failure with the potential to impact public health and environmental safety, or documentation that soil conditions of the property prohibit utilization of a septic system is required prior to city council consideration. (1968 Code, § 13-204, as replaced by Ord. #4234, April 2019 *Ch8_3-12-20*)

18-105. Sanitary sewer impact fee.¹ The provisions of this section shall apply to all of the territory within the jurisdiction of the City of Columbia and areas outside of the city's jurisdiction where the city provides wastewater treatment and sanitary sewer service.

(1) Definitions. When used in this section, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

(a) "City" means the incorporated City of Columbia.

(b) "City Council" means the governing body of the incorporated City of Columbia.

(c) "Eligible improvements" means improvements that enhance the capacity of the sanitary sewer system, including planning, engineering, acquisition, construction and interest on debt incurred to finance improvements and additions to the capacity of the city sanitary sewer system, but does not include the routine maintenance of existing improvements.

(d) "Sanitary sewer system" means the set of facilities owned by the City of Columbia that convey and treat sewage generated by the system's customers.

(e) "Technical report" means the "City of Columbia, Tennessee Wastewater Impact Fee Study" prepared by Duncan Associates in August 2021, or a subsequent similar study, which serves as the basis for the calculation of the sanitary sewer impact fees.

(2) Fee assessment and collection. (a) No building permit that is associated with a new or enlarged water meter shall be issued until the applicable sanitary sewer impact fee has been paid based on the size and type of the water meter according to the following sanitary sewer impact fee schedule.

<u>Meter Size</u>	<u>Meter Type</u>	<u>Impact Fees</u>
5/8" X 3/4"	Disc	\$ 1,060
3/4"	Disc	\$ 1,484
1"	Disc	\$ 2,968
2"	Disc	\$ 10,600
3"	Compound	\$ 23,320
4"	Compound	\$ 53,000
5"	Compound	\$106,000

(b) In the event of the replacement of an existing water meter with a larger one, the applicable impact fee shall be the difference between the two (2) meter sizes.

¹The Wastewater Impact Fee Study for the City of Columbia, and any amendments thereto, may be found in the recorder's office.

(c) In the event that the proposed water meter size and type is not shown in the schedule set forth in subsection (2)(a) above, the city shall calculate the appropriate impact fee using the same methodology used in the technical report.

(d) No sanitary sewer impact fee shall be assessed for meters that are dedicated exclusively for irrigation purposes.

(3) Accounting and expenditure of funds. (a) An "impact fee fund" that is distinct from the general fund of the city is created, and the impact fees received shall be deposited in the interest-bearing account of the impact fee fund, along with accrued interest.

(b) The money in the impact fee account shall be used only for the following purposes:

(i) To acquire or construct eligible improvements which the city has determined will be limited to capacity adding improvements to the sanitary sewer treatment plant;

(ii) To pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance eligible improvements and attributable to excess capacity available to serve new sanitary sewer customers;

(iii) To pay fees to an independent qualified professional, who is not an employee of the city, for the preparation or updating of the technical report; or

(iv) To make refunds pursuant to subsection (4).

(c) The city shall maintain accurate records of the impact fees paid, including the name of the person paying the fees, the tax parcel number and address for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, the amount of any credits provided against the fees or refunds paid and any other information the city deems appropriate or necessary for the accurate accounting of the fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

(4) Refunds. (a) Fees not spent within ten (10) years after the date on which the fee was paid shall be eligible for refund according to the following provisions:

(i) Upon the request of an owner of the property for which an impact fee has been paid, any money in the impact fee fund paid for that property that has not been spent within ten (10) years after the date on which the fee was paid shall be returned to the current owner of record as listed with the county property assessor with interest since the date of payment.

(ii) Money in each impact fee account shall be considered to be spent in the order collected on a first in/first out basis.

(iii) Requests shall be filed with the city within thirty (30) days of the eligibility for the refund.

(iv) Response to a request for a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the current owner of the property within thirty (30) days of the date the refund was requested.

(v) All refunds shall be made to the current owner of the property at the time the refund is paid.

(b) If an applicant has paid an impact fee required by this section and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, the applicant who paid the fee is entitled to a refund of ninety-seven percent (97%) of the fee paid, without interest. To be eligible to receive such refund, the applicant who paid the fee must submit an application for the refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid. (1968 Code, § 13-205, as deleted by Ord. #3672, Dec. 2006, and added by Ord. #4369, Nov. 2021 *Ch9_06-09-22*)

18-106. Deleted. (1968 Code, § 13-206, as deleted by Ord. #3672, Dec. 2006)

CHAPTER 2

SEWAGE¹

SECTION

- 18-201. Who must connect to sanitary sewer system.
- 18-202. Permit, etc., required for connections.
- 18-203. When privies, cesspools, septic tanks, etc., are prohibited.
- 18-204. Responsibility for maintenance of system.
- 18-205. Nuisance conditions.
- 18-206. Inspections and violations.
- 18-207. Sewer use requirements--general provisions.
- 18-208. Use of and connection to public sewers.
- 18-209. Private domestic wastewater disposal.
- 18-210. Applications for service--permits--penalties.
- 18-211. Industrial pretreatment.
- 18-212. Monitoring, reports, access, and safety.
- 18-213. Discharge regulations.
- 18-214. Wastewater charges, fees, and billing.
- 18-215. Administrative enforcement remedies.
- 18-216. Judicial remedies.
- 18-217. Supplemental enforcement remedies.
- 18-218. Affirmative defenses.

18-201. Who must connect to sanitary sewer system. All persons owning any building or structure used for human occupancy, employment, recreation, or other purpose, situated within the City of Columbia, not already connected to the city sanitary sewer system, and abutting on any street, alley, right of way, easement, or other public way on which there is now located a public sanitary sewer are hereby required at their own expense to install suitable sewage disposal facilities therein and to connect such facilities directly with the public sanitary sewer system within ninety (90) days after the passage of these provisions.

All persons owning any property within the city accessible to the public sanitary sewage system as hereinabove set forth, upon which a building is hereafter erected, shall, at the time of the erection of such building and at their own expense, erect suitable sewage disposal facilities therein and make proper connection with the public sanitary sewage system.

All persons owning any occupied building within the city upon property which may hereafter become accessible to the public sanitary sewage system

¹Municipal code reference

Building, utility, etc. codes: title 12.

shall, at their own expense, make proper connection with the public sanitary sewage system within thirty (30) days after notice to do so from the city manager, director, or an authorized representative. Notice may be given by posting a letter, to the last known address of the owner, setting forth the accessibility of such service, or by publishing notice in any newspaper of general circulation in the City of Columbia, which notice need only set forth the streets or portions thereof to which the public sanitary sewage system has become accessible. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-202. Permit, etc., required for connections. A sewer permit must be obtained from the wastewater department prior to connection with the public sanitary sewer service. All connections to the public sanitary sewer system shall be in full accord with the plumbing code adopted by the City of Columbia or other applicable ordinances of the City of Columbia. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-203. When privies, cesspools, septic tanks, etc., are prohibited. It shall be unlawful for any person owning any occupied building within the city, on premises accessible to the public sanitary sewage system, to erect, construct, use or maintain, or allow or cause to be erected, constructed, used or maintained any privy, cesspool, sink hole, septic tank or other receptacle on such premises for receiving sanitary sewage. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2107)

18-204. Responsibility for maintenance of system. Any occupant or person having immediate use and control of any building shall be responsible for maintaining the sanitary sewage disposal facilities used to connect such building to the public sanitary sewage system in a sanitary and usable condition, unless by written contractual arrangement between the parties, the owner of the property expressly agrees to retain such responsibility. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-205. Nuisance conditions. Any person who erects, constructs, allows, causes, or maintains a privy, cesspool, sink hole, septic tank, or other receptacle for receiving sanitary sewage on any property within the city, which property is accessible to the public sewage system, in violation of this chapter shall, in addition to the penal provisions herein provided for, be deemed, and shall be declared to be erecting, constructing, and maintaining a nuisance, which nuisance the city is hereby authorized and directed to abate in a manner provided by law. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-206. Inspections and violations. The city manager, the wastewater department director, the city engineer, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all property within the city for purposes of inspection and observation to determine if the owners or occupants are in violation of the provisions of this chapter. Any person found by them to be violating any provision of this chapter may be cited by the city officials with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, except as provided in § 18-215(8). The offender shall, within the time stated in such notice, permanently cease all such violations.

Any person who shall continue any violation beyond the time limit provided in this section shall be penalized under the general penalty clause for this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

The authority to give notice of violations and to provide a reasonable time for connection thereof is discretionary and supplementary to the penalties for violations set forth in the general penalty clause for this code, and notice as herein provided is not a prerequisite for prosecution for such violations or appropriate proceedings under § 18-205. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-207. Sewer use requirements--general provisions. (1) Purpose and policy. (a) The purpose of this chapter is to set uniform requirements for users of the city's wastewater collection system and treatment works to enable the city to comply with the provisions of the Clean Water Act and other applicable federal and state law and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the city's wastewater collection system and treatment works.

(b) This article provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; to enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject; and to improve the opportunities to

recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a wastewater appeals board and establishes its duties and establishes the duties of the director of the department of wastewater to ensure that the provisions of this chapter are administered fairly and equitably to all users. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

(2) Definitions. For purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning. Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(a) "Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(b) "Additives." Additives include, but are not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria that are used for grease management or control. Some of these additives may break up FOG only to have FOG re-congeal and cause blockages further downstream. They may be harmful to the biological processes at the POTW and personnel working on the WCTS. In most cases, the use of additives is prohibited.

(c) "Administrator." The administrator of the United States Environmental Protection Agency.

(d) "Approval authority." The director of division of water resources of the Tennessee Department of Environment and Conservation in an NPDES state with an approved state pretreatment program.

(e) "Best Management Practices (BMPs)." Include, but not limited to, schedules of activities; prohibitions of practices; maintenance procedures; treatment requirements; operating procedures; practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage; and other management practices used to implement the prohibitions listed in § 18-213. The widely accepted means and methods of preventing or reducing FOG from entering the "Wastewater Collection and Transmission System (WCTS)" are referred to as Best Management Practices (BMPs).

(f) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

(g) "Building sewer." The sewer conveying wastewater from the building drain to the public sewer or other place of disposal.

(h) "Categorical standards." National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a WWF by existing or new industrial users in specific industrial subcategories are established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this rule chapter. Tennessee Rule 0400-40-14-.06

(i) "City." The Columbia, Tennessee and its department of wastewater.

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

(k) "Compatible wastes." Biochemical oxygen demand, suspended solids, pH and fecal coli form bacteria; plus, any additional pollutants identified in the publicly-owned treatment works NPDES permit, for which the publicly-owned treatment plant is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(l) "Connection." Any physical tie or hookup made to a sewer line owned, operated and maintained by the city.

(m) "Control authority." The director if the city has an approved pretreatment program under the provision of 40 C.F.R. 403.11.

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

(o) "Director." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The wastewater department director, except where specifically referring to the director of division of water resources of the Tennessee Department of Environment and Conservation.

(p) "Domestic use." Single family, multi-family, apartment or other dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and used for residential purposes only.

(q) "Domestic wastewater." Wastewater or sewage having the same general characteristics as that originating in places used exclusively as single family residences. Strength of the compatible pollutants in normal domestic wastewater is assumed to be equal to or less than the following: BOD - 250 mg/l; TSS - 250 mg/l; Ammonia 30 mg/l; fats, oil and grease (FOG) - 100 mg/l; and pH not less than 6.0 or greater than 9.0.

(r) "Environmental Protection Agency (EPA)." The agency of the United States or where appropriate the tenn may also be used as a

designation of the administrator or other duly authorized officials of said agency.

(s) "Extra strength wastewater." Any wastewater that has any characteristic or combination of characteristic exceeding the characteristic of normal domestic wastewater and that require effort or expenditure over and above that required for treatment of nonnal domestic wastewater.

(t) "Fats, Oils, and Grease (FOG)." FOG may consist of organic polar compounds derived from animal and/or plant sources and may be referred to as "grease." FOG from industrial sewer users that consists of nonpolar compounds derived from petroleum or mineral sources is regulated under the industrial pretreatment program.

(u) "Food Service Establishment (FSE)." Any establishment, business, or facility engaged in the handling, preparing, or serving of food or beverages for consumption regardless of whether there is a charge. A single family residence is not classified as a FSE; FSEs will be classified into five (5) classes as described below:

(i) Class 1: Deli engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying and no grilling on site, ice cream shops and beverage bars; mobile food vendors; Bed and breakfast establishments, continental breakfast establishments; defined by North American Industry Classification System (NAICS) 722515, 722330 and 721191

(ii) Class 2: Limited-service restaurants except heavily fried food lines and establishments with a history of FOG discharges that interfere with the sanitary sewer system (exceptions may be Class 3, 4 or 5); Caterers; defined by NAICS 722513 and 722320.

(iii) Class 3: Full service restaurants; defined by NAICS 722511;

(iv) Class 4: Buffet and cafeteria facilities; defined by NAICS 722514

(iv) Class 5: Institutions, schools, hospitals, jails, and prisons; defined by NAICS 722310 but not to exclude self-run operations.

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

(w) "Grease or brown grease." The collective term for fats, oils and grease that are discharged to the grease removal device of a FSE as a result food handling, preparation or cleanup.

(x) "Yellow grease." The collective term for fats, oils, and grease that have not been in contact or contaminated from other sources (water,

wastewater, solid waste, etc.) and can be recycled. Cooking oil is the main source of yellow grease.

(y) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gallons per minute (gpm) and is located outside the building.

(z) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(aa) "Grease Removal Device (GRD)" or "Grease Control Equipment (GCE)." A device that is designed, installed, and operated in accordance with the manufacturer's specifications for separating and retaining FOG prior to the wastewater exiting the FSE and entering public sewer system. GRDs include grease interceptors, grease traps, or other devices approved by the director.

(bb) "Grease recycling container." A grease recycling container is used for storage of yellow grease so that it may be recycled.

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

(dd) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

(ee) "Incompatible wastes." All pollutants other than compatible wastes as defined within.

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

(gg) "Industrial user." A source of indirect discharge which does not constitute a "discharge or pollutant" under regulation issued pursuant to section 402 of the Act.

(hh) "Industrial wastes." The liquid wastes, other than domestic wastewater resulting from processes or operations employed in industrial or commercial establishments.

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

(jj) "Local limits." Specific discharge limits developed and enforced by the city upon industrial and commercial facilities to

implement the general and specific discharge prohibitions listed in Tennessee Rule 400-40-14-.05(1)(a) and (2).

(kk) "Maximum concentration." A maximum amount of a specified pollutant into the volume of water or wastewater.

(ll) "National Pollution Discharge to the Elimination System (NPDES) permit." A permit issued to a POTW pursuant to 402 of the Act.

(mm) "National pretreatment standard," pretreatment standard, standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-4-14-.05.

(nn) "Natural outlet." Any point of discharge into a water course, pond, ditch, lake, stream, or other body of surface or ground water.

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

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

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

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

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

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

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

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

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

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

(pp) "Non-contact cooling water." The water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material, including water treatment and conditioning chemicals.

(qq) "North American Industry Classification System (NAICS)." The North American Industry Classification System used by the federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The official U.S. Government Web site is <http://www.census.gov/eos/www/naics/>

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

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

(tt) "pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A pH value indicates the degree of acidity or alkalinity.

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

(vv) "Premises." A parcel of real estate or portion thereof including any improvements thereon which is determined by the director to be a single user for purposes of receiving, using, and paying for services.

(ww) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(xx) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(yy) "Pretreatment standards or standards." Prohibited discharge standards, categorical pretreatment standards, and local limits.

(zz) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the City of Columbia. This definition includes any sewers, devices, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the City of Columbia, a municipality, as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

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

(bbb) "Regulated process wastestream." Wastewater from an industrial process that is regulated by a categorical pretreatment standard. (See applicable categorical pretreatment standards, 40 CFR parts 405-471).

(ccc) "Sanitary sewer." A sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

(ddd) "Sanitary wastewater." Wastewater discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions, and free from storm and surface water.

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

(fff) "Significant industrial user." Any non-residential user of the city's wastewater treatment system meeting one of the following conditions: all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and any other industrial user that: discharges an average of twenty-five

thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12 on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(ggg) "Slug discharge." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(hhh) "Slug discharge evaluation requirements." For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within twelve (12) months of being designated a significant industrial user.

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

(jjj) "Storm sewer," "storm drain." A pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(kkk) "Suspended solids." Solids that either float on the surface of or are in suspension in wastewater, and which are measurable as prescribed by "standard methods" and expressed in milligrams per liter.

(lll) "Tee or T (influent and effluent)." A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(mmm) "Tennessee Rule." The Rules of the Tennessee Department of Health and Tennessee Department of Environment and Conservation.

(nnn) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator or the Environmental Protection Agency under provisions 33 USC 1317.

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

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

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

(qqq) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(rrr) "User." The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201. Any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a sanitary sewer, whether intentional or unintentional, and whether direct or indirect.

(sss) "Waste." Sewage and any and all other waste substances, liquid, solid, or gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(ttt) "Wastewater" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm water as may be present.

(uuu) "Wastewater Collection and Transmission System (WCTS)." The WCTS is the municipal wastewater collection, retention, and transmission system, including all pipes, gravity sewer lines, force mains, lift stations, pumps, manholes, and appurtenances thereto, which are owned or operated by the city and designed to collect and convey domestic, commercial, and industrial wastewaters to the Publicly Owned Treatment Plant (POTW).

(vvv) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters as served to define, classify or measure the contents, quantity, quality and strength of wastewater.

(www) "Wastewater Facility (WWF)." Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by the city. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other devices that convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(xxx) "Black water." Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(yyy) "Gray water." Refers to all other wastewater other than black water.

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

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-208. Use of and connection to public sewers. (1) Requirements. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste; and it shall be unlawful to discharge to any natural outlet within the service area of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this chapter. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(2) Availability. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities, therein, and a direct connection to the public sewer shall be made within thirty (30) days after date of official notice to do so, provided the sewer is available. The sewer shall be considered available where the first floor of the building above or on ground level can be served in accordance with the city's rules and regulations and general practice. Where a sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the

sewer, and the property shall be billed for sewerage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after the sewer is accepted by the treatment works. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the director for cause.

(3) Connection to public sewer. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.

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

The connection of the building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications. All such connections shall be made gaslight and watertight. Any deviations from the prescribed procedures and materials must be approved by the director before installation.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications shall apply.

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

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

All costs and expense incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) Inspection of connections. The sewer connection and all sewer laterals from the building to the sewer main line shall be inspected by an inspector of the city before any underground portion is covered.

(5) Use and maintenance of building sewers. Building sewers that have been previously used but have been abandoned due to the razing of the

building structure may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this chapter. All others must be sealed to the specifications of the city. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the city.

(6) Private wastewater disposal. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter. A formal application for either original or additional service utilizing a private wastewater disposal system must be made to the city and be duly approved before construction or reconstruction is commenced.

(7) Interruption of service. The city shall be liable for any damage resulting from the failure or overflow of any sewer main, service pipes or valves, or any other facilities belonging to the city, unless by clear and convincing evidence it is established that such failure or overflow was caused by a use of such sewer. In cases of emergency the city shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities in any reasonable manner for the protection of the city and the treatment works.

(8) Discontinuance of service and refusal to connect service. The director shall, after written notice, and allowance of a reasonable time for remedial action (except under the emergency provisions of § 18-215(8)), have the right to discontinue service or to refuse to render service for a violation of, or failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the city. Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one (1) such customer or tenant. Discontinuance of service by the director for any causes stated in this chapter shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The director shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the city or has heretofore had his service disconnected because of a violation of the chapter or the rules and regulations of the city. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-209. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provision of this

chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provision of this section.

(2) Requirements. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the director after making such tests and examinations of the site as he deems essential to determine if the duplication area protection, zoning, subdivisions, etc., are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drain fields must be submitted to the city for review for written approval by the director. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee, and shall demonstrate such by adherence to all provisions of the permit issued by the Department of Environment and Conservation of the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(3) Connection to sewer. When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(4) Inspection. The director shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice.

(5) Wastewater disposal services. Hauled septage may be discharged only at the POTW receiving station subject to the fees and conditions set forth in this chapter, and in conformance with the rules and policies of the wastewater department.

(a) Types of hauled septage. (i) Residential household septic tank wastes .

(ii) Non-residential waste from a specific location/address only when authorized in writing by the director. Such wastes are subject to preliminary and periodic chemical analysis with associated costs billed to the hauler. The director, or designee, reserves the unconditional right to accept or reject any hauled materials as it deems necessary to protect its employees, facilities, treatment processes or effluent quality.

(b) Septage hauler permit required. (i) All haulers are required to possess a valid discharge permit prior to being allowed to discharge to the Columbia sanitary sewer system. Failure to

adhere to the terms of the permit may result in penalties and/or suspension or revocation of the permit.

(ii) Permits and renewals may be issued upon submission of completed application, required fees and satisfactory evidence of vehicle insurance.

(iii) Permit renewals will not be issued to haulers who fail to comply with the terms and conditions set forth in the permit, city ordinance or state and federal statutes.

(iv) The permit holder shall immediately notify the city in writing of any changes in the business name, ownership, address, telephone number or registered vehicle. Changes to vehicles include addition, replacement, deletion or modification of the capacity of the registered vehicles.

(v) A copy of the hauled septage permit shall be carried in each registered vehicle.

(vi) Any such permit granted shall be for one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(c) Vehicle registration required. (i) Every vehicle used by the hauler to haul liquid wastes must be registered with the Columbia Wastewater System. Registration shall include the make, model, tank capacity and license number of the vehicle.

(ii) Each registered vehicle shall be issued a special discharge permit number which shall be plainly painted on each side of the motor vehicle used in the conduct of the business permitted hereunder.

(iii) Vehicles used to haul or store hazardous materials, petroleum products or petroleum derivative wastes, corrosives or toxic wastes are specifically prohibited.

(iv) Any such registration shall be one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(d) Hauled septage prohibited materials. (i) In the case of multiple pump outs in a single load, any part of the load which is prohibited shall render the entire load unacceptable.

(ii) Any wastes containing flammable, explosive, corrosive, or toxic material(s).

(iii) Any wastes containing material(s) which may be inhibitory to the process at the wastewater treatment plant, or which may result in a pass-through violation in the plant effluent.

(iv) Wastes containing floatables or materials which may exceed the capacity of the treatment plant.

(v) Grease trap, grease interceptor waste, or loads where septic tank waste is mixed or blended with grease trap or grease interceptor waste.

(vi) Any solids or other materials which may solidify and cause blockage or handling problems in the system.

(vii) Wastes from portable toilets that contain formaldehyde or formalin based deodorizers.

(viii) The foresaid pollutants are in addition to such specific pollutants as may be identified and added from time to time to § 18-213 or the hauler's discharge permit.

(ix) The city reserves the unconditional right to accept or reject any hauled materials as it deems necessary to protect its employees, facilities, treatment processes or effluent quality.

(e) Manifests required. (i) Haulers must complete and submit a manifest for each load discharged, identifying the exact source(s) of the hauled material, including name, complete location address, telephone number, waste characteristics, and approximate gallons for each site pumped, as well as the permit number of the hauler, vehicle license number and signature of the driver.

(ii) Any haulage must include the source generator's signature.

(iii) Manifests:

(A) Shall be legible and conform to the sample provided by the Columbia Wastewater System, and

(B) Are due upon arrival to the POTW receiving station prior to discharging, and

(C) Shall be deposited in the receptacle provided at the POTW.

(f) Hauled septage fees:

(i) Permit application or renewal \$37.50

(ii) Vehicle registration, per vehicle \$20.00

(iii) Discharge fee per load, any quantity up to 1,000 gallons

(A) From inside Columbia City Limits . . \$37.50

(B) From outside Columbia City Limits . \$50.00

(C) From outside Maury County \$62.50

(iv) The director or designee may require a chemical analysis of hauled waste with associated costs billed to the hauler. Additionally, haulers shall pay surcharges in the amount necessary to recover treatment costs incurred in treating extra-strength and non-compatible waste discharged as outlined in this chapter without regard to the definition of industrial user.

(v) Quantities exceeding one thousand (1,000) gallons shall be prorated in five hundred (500) gallon increments using the established fee schedule.

(g) Revocation of permit. Any person who violates the terms of a septage hauler permit by hauling prohibited substances or who misrepresents the point of septage origin shall be subject to penalties as follows:

(i) First offense, loss of permit for six (6) months.

(ii) Second offense, permanent loss of permit.

(iii) In addition to the penalties described in the paragraphs above, septage haulers shall be subject to the same penalties as industrial users with regards to discharge of prohibited and controlled substances. (Ord. #3352, March 2000, as amended by Ord. #3673, Dec. 2006, replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017, and amended by Ord. #4320, Dec. 2020 *Ch9_06-09-22*)

18-210. Applications for service--permits--penalties. (1) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the director and be duly approved before connection is made. The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time.

(a) Domestic use. Domestic use shall be defined as residential use and no use (discharge) permit shall be required.

(b) Commercial use. Commercial use shall be defined as any nonresidential use. All potential commercial users shall obtain a nonresidential survey upon application for building permit or sewer connection permit and shall complete it prior to issuance of a certificate of occupancy or final approval of connection to a sewer tap. The director shall review the non-residential survey and determine whether a user or discharge permit shall be required. Commercial users may be required to install grease traps, grease interceptors, catch basins, screening devices, oil/water separators or other facilities to prevent the entry of harmful materials or substances into the public sewer. Such installation will be at the user's expense and shall be installed upon notification from the director. Cleanout and upkeep of such facilities will be at the user's expense and shall be done in such a manner to prevent the undesirable material or substance from entering the public sewer system. Records of

cleanout and maintenance of such interceptors shall be kept available for inspection by the city for a period of three (3) years and shall be submitted to the director or his designee upon written notification.

(2) Fats, Oils and Grease (FOG) control program. Disposal of "oil" by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other Industrial oils and Fats, Oils And Grease (FOG) used in or resulting from a Food Service Establishment (FSE) or food processing facility. The purpose of a FOG control program is to significantly limit fats, oils and greases from entering the Wastewater Collection and Transmission System (WCTS), in order to reduce Sanitary Sewer Overflows (SSOs) related to blockages caused by FOG.

(a) Discharge of FOG. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW (sanitary sewer system of the City of Columbia, Tennessee). Prohibited discharges include, any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two or one hundred fifty degrees Fahrenheit (32 or 150° F) or zero to sixty five degrees Celsius (0 to 65° C).

(b) Interference with the sanitary sewer system operations. Any user who discharges animal and vegetable fat, oil, and grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified and may be billed for cleanup charges incurred by the Columbia Wastewater System when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge.

(c) Control of FOG.

(i) All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of best management practices such as those published on the City of Columbia, Tennessee website. See: <http://www.columbiatn.com/FOG>. If best management practices fail to prevent sanitary sewer system interferences Class 1 FSEs shall install a Grease Removal Device (GRD) as specified by the director or FOG control program coordinator.

(ii) All new Class 2-5 FSEs shall install grease removal equipment in sizes specified in this section and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(iii) Existing FSEs changing ownership, undergoing renovations or changes in plumbing, kitchen equipment, seating capacity, or menu items shall install grease removal equipment in sizes specified in this section and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(iv) All FSEs with a GRD shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement. Records are to be kept on site and shall be submitted for review in accordance to the FOG control program.

(v) Yellow grease such as fryer oil, shall not be discharged into the GRD or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(vi) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(vii) All FSEs shall provide access to Columbia wastewater personnel (after proper identification) for the purpose of inspection of a GRD, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge.

(d) Grease Removal Device (GRD) to control grease. (i) Minimum acceptable size of a GRD is as follows. Larger sizes may be required by the director or his designee.

(A) Class 1: 20 gpm/40 lbs. grease trap.

(B) Class 2: 1,000 gallon grease interceptor.

(C) Class 3: 1,000 gallon grease interceptor.

(D) Class 4: 1,500 gallon grease interceptor.

(E) Class 5: 2,000 gallon grease interceptor.

(ii) Any FSE either new or existing that is found to be interfering with the sanitary sewer system may be asked to install a GRD that is larger than the minimum size and take other steps to stop that interference.

(iii) Existing FSEs that do not meet these minimum sizes may continue to use an existing GRD and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the FSEs annual permit states the current GRD and/or practices are preventing interference with the sanitary sewer system. Upon written notice from the director or designee stating the existing GRD or BMPs are inadequate to

protect the sanitary sewer system from interference, the FSE shall have thirty (30) days to install a GRD to prevent FOG interference with the sanitary sewer system.

(iv) High temperature waste shall not be discharged to the GRD unless an FSE's annual permit obtains a written waiver. Additionally, such FSEs shall be required to install larger GRD(s) to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system. Waivers shall be revoked for inadequate systems that cause interference. Written notice will be provided and the FSE shall submit a revised grease control plan that includes routing high temperature discharges away from the GRD.

(v) Grease traps. These small, under-the-counter units shall be installed according to manufacturer's specifications. Dishwashing machines and other high temperature waters shall not be discharged into these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor.

(e) Installation of GRD. (i) Owners/users are responsible for installation of the GRD.

(ii) Grease traps shall be installed according to the requirements in this section.

(iii) Grease interceptors shall be substantially similar to sample drawings available from the Columbia Wastewater System.

(iv) Tanks must be water tight and protected from rainwater inflow and infiltration.

(v) Two (2) access manholes with a minimum of twenty four inches (24") diameter shall be provided, one (1) directly over the influent pipe and Tee and one (1) directly over the effluent pipe and Tee.

(vi) Influent and effluent pipes shall be four inches (4") or larger PVC Schedule 40 or stronger.

(A) Influent and effluent pipes shall be equipped with Tee fittings properly positioned as follows. Influent flow shall be directed downward and the Tee shall terminate twenty four inches (24") below the water surface. Effluent Tee shall block all surface grease and terminate eight to twelve inches (8" - 12") above the bottom of the unit.

(B) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the

influent side of the unit at a depth of twelve inches (12") from the bottom.

(C) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(D) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(E) Interceptor sizes greater than two thousand (2,000) gallons shall be served by two (2) or more tanks installed in series.

(f) Maintenance of the GRD. (i) Owners/users are responsible for maintenance of the GRD.

(ii) Grease traps should be cleaned once every week, or sometimes more often if the combined depth of FOG and solids exceed twenty-five percent (25%) of the trap.

(iii) Grease Interceptors shall be pumped and cleaned every ninety (90) days to maintain a FOG layer and settled solids below twenty-five percent (25%) of the tank depth.

(iv) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(v) Interceptors shall be inspected for deterioration and damage by the owner/user or waste grease hauler each time the unit is cleaned.

(vi) Deteriorated or damaged tanks shall be repaired or replaced within thirty (30) days of notice of such conditions.

(g) Implementation. This ordinance empowers the director or his designee to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to: FSE compliance reviews and inspections, GRD sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GRD servicing vendors (grease waste haulers), permitting of FSEs, and other operating policies needed to protect the sanitary sewer system from interference from FOG. Additionally, the provisions of the EPA approved FOG control program shall be in full force and effect to the same extent as if such provisions were copied verbatim herein. The following appendices and addendums to the FOG control program are hereby acknowledged as part of the FOG control program:

(i) FOG standard operating procedures

(ii) Food Service Establishment (FSE)

questionnaire/registration form

(iii) GRD specification details and certification forms

(iv) FSE compliance review form, Non-Compliance Notice (NCN), Notice of Violation (NOV), and notice of penalty

(v) Food service establishment enforcement response guide

(h) Fees. This ordinance empowers the city to establish fees (through a separate fee ordinance) to offset costs associated with the implementation of this ordinance. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this ordinance.

(i) Permitting. The city may use FSE permits as a way of implementing this ordinance, and may further require the permitting or certification of GRD service and pumping vendors.

(j) Enforcement. Violators of this ordinance may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction. Violators may face fines, have water and/or sewer service terminated and the city may seek further remedies and/or penalty assessments as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or user, and the service line may be disconnected from sewer main. Upon notice that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The city may take any or all of the following remedies:

(i) Cite the user to city or general sessions court, where each day of violation shall constitute a separate offense.

(ii) In an emergency situation where the director or designee has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the director or designee may discontinue water service or disconnect sewer service.

(iii) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(iv) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

(v) Assess a penalty as determined by using the food service establishment enforcement response guide of the FOG control program. All penalty assessments will be approved and signed by the director or designee. Penalty amounts determined are considered to be an economic deterrent to the noncompliance being addressed. Penalty ranges designed to recover any economic benefit gained by the violation through noncompliance are as follows:

Category 0	No Penalty
Category 1	\$500.00
Category 2	\$1,000.00
Category 3	\$5,000.00
Category 4	Direct Legal Action*

*Any penalties and/or costs at the maximum penalty allowable by applicable law and included as part of the legal action.

(vi) Assessments for damages or destruction of the WCTS, facilities of the POTW, and any penalties, costs, and attorney's fees incurred by the city as the result of the illegal activity, as well as the expenses involved in enforcement, are in addition to any penalty assessment.

(vii) Any person aggrieved by an order or determination of the director or his designee may appeal to the wastewater appeals board pursuant to the requirements set forth in §18-215.

(k) Severability. If any section, phrase, sentence or portion of this section is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof.

(3) Commercial and Industrial use. (a) Application. An application for original, additional, or continuation of service must be made at the office of the director, and must be duly approved before connection is made. The application shall be in the prescribed form of the city and shall include to the extent reasonably available the estimated pH, temperature, volume and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant for such service.

All industrial users shall be required to pay three thousand (\$3,000.00) per year or two hundred fifty dollars (\$250.00) per month for an industrial discharge permit. This cost also covers monitoring of industrial discharge. In addition, industrial users will pay surcharges in the amount necessary to recover treatment costs incurred in treating extra-strength and non-compatible waste discharged over the permit level.

(b) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, The National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing report.

Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless a ten (10) day notification is given to the user. Effluent data shall be available to the public without restriction pursuant to 40 CFR 403.14(b).

(4) Industrial discharge permit. (a) Wastewater discharge permits required. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit therefor. All existing industrial users connected to or discharging to any part of the city system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter.

(b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the director an application in the form prescribed by the director. In support of this application, the user shall submit the following information:

- (i) Name, address, and SIC number of applicant.
- (ii) Volume of wastewater to be discharged.
- (iii) Wastewater constituents and characteristics.
- (iv) Time and duration of discharge.
- (v) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (vii) Description and quantities of all materials on the premises which are, or could be, discharged.

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

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

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions by the city. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

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

(ii) Effluent limits, including best management practices, based on applicable general pretreatment standards in this rule, chapter, categorical pretreatment standards, local limits, and state and local law.

(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(iv) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment, and the location thereof.

(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

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

(vii) Compliance schedules.

(viii) Type of sampling for each sampled constituent.

(ix) Requirements to control slug discharges, if determined by the WWF to be necessary.

(x) Significant industrial users are required to notify the WWF immediately of any changes at their facility affecting potential for a slug discharge.

(xi) Violations of permit - penalties. In addition to other remedies under this section, the director shall collect the following:

(A) Damages. If the industrial user is found to be in violation of its discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including the costs of such sampling and analysis as deemed necessary by the director.

(B) Administrative penalties. Up to ten thousand dollars (\$10,000.00) per violation based on the severity of the violation according to the industrial pretreatment enforcement response guide and applicable sections of this chapter.

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

(d) Duration of permit. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. The user must apply for a new permit not more than ninety (90) days, nor less than thirty (30) days prior to expiration of the current permit. The terms and conditions of the permit may be subject to modification and change by the director during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, except as provided in § 18-215(8).

(e) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit is nontransferable without prior notification to the director. A copy of the existing wastewater discharge permit shall be provided to the new owner or operator.

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

- (i) Intentional failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
- (ii) Failure of the user to report significant changes in operations or wastewater characteristics;
- (iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- (v) Violation of conditions of the permit.

(5) Incomplete applications. The director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall

deny it and notify the applicant in writing of such action. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-211. Industrial pretreatment. (1) Criteria for pretreatment. Any wastewater discharge from a commercial or industrial user of the wastewater treatment system whose discharge violates the provisions set out in the prohibited wastewater discharges or the restricted wastewater discharges of this chapter or the industrial discharge permit shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Any commercial or industrial wastewater discharge exceeding only the limitations on wastewater strength provision of this chapter may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger, or may be subject to the surcharge for extra strength waste as long as POTW capacity exists in the opinion of the director.

(2) Pretreatment facilities. (a) Design and construction. All commercial or industrial users of the wastewater treatment works who elect or are required to construct new or additional facilities for pretreatment, shall submit plans, specifications, and other pertinent information relative to the proposed construction to the director for approval.

Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. Written approval of the director must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the city for approval will be retained as file material for future reference with one approved copy returned to the user.

(b) Compliance schedule. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall submit written progress reports to the director as required by the director under the schedule or compliance order, based on the complexity of the pretreatment requirement. The following conditions and reporting requirements shall apply to the compliance schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

(ii) No increment referred to in subparagraph (b)(i) shall exceed nine (9) months;

(iii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, a progress report

shall be submitted to the director. At minimum, the progress report shall include whether or not the user 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 taken to return to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(c) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the director and written approval for operation is issued to the owner by the director. The director or his representative shall be allowed to inspect the work at any state of construction, and in any event, the applicant for the permit shall notify the director when the work is ready for final inspection. In addition, the director shall be allowed to make periodic inspections of the facilities in operation as he deems necessary.

The director may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the director or his representatives ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations.

(d) Maintenance of facilities. It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The director must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-212. Monitoring, reports, access, and safety. (1) Monitoring facilities. All industrial users for whom a discharge permit is issued must install a special sampling facility to be built in accordance with City of Columbia specifications. Users in areas designated for industrial development (industrial parks and any zoned industrial area) must also install such a sampling manhole whether or not a discharge permit is issued.

When, in the judgment of the director, there is a significant difference in wastewater constituents and characteristics produced by different operations of

a single user the director may require that separate monitoring facilities be installed for each separate source of discharge.

Permanent monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense. Wastewater samples will be made available to the industry if requested. However, the industry is responsible for providing its own adequate sample containers.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The director may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for city personnel, and to secure the city's monitoring equipment.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the director, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed as required by the director following written notification unless an extension is granted by the director.

Reporting requirements for industrial users upon effective date of categorical pretreatment standard-baseline report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a WWF shall be required to submit to the control authority a report which contains the information listed in subparagraphs (a)-(g) of this paragraph. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subparagraphs (a)-(e) of this paragraph. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subparagraphs (d) and (e) of this paragraph:

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

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

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

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

(i) Regulated process streams; and

(ii) Other wastestreams as necessary to allow use of the combined wastestream formula of Tennessee Rule 0400-40-.06(5) (see part (e)(iv) of this paragraph). The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

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

(ii) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

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

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Tennessee Rule 0400-40-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority.

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

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

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

(f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in paragraph (12) of this rule) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

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

(i) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Tennessee Rule 0400-40-14-.07), the combined wastestream formula (paragraph (5) of Tennessee Rule 0400-40-14-.06), and/or a fundamentally different factors variance (Tennessee Rule 0400-40-14-.13) at the time the user submits the report required by paragraph (2) of this rule, the information required by subparagraphs (f) and (g) of this paragraph shall pertain to the modified limits.

(ii) If the categorical pretreatment standard is modified by a removal allowance (Tennessee Rule 0400-40-14-.07), the combined wastestream formula (paragraph (5) of Tennessee Rule 0400-40-14-.06), and/or a fundamentally different factors variance

(Tennessee Rule 0400-40-14-.13) after the user submits the report required by paragraph (2) of this rule, any necessary amendments to the information requested by subparagraphs (f) and (g) of this paragraph shall be submitted by the user to the city within sixty (60) days after the modified limit is approved.

(2) Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subparagraphs (1)(d)-(f) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in Tennessee Rule 0400-40-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

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

For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. The city shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(3) Reports. All Significant Industrial Users (SIU) and categorical industrial users are required to submit periodic self-monitoring reports under 40 CFR 403-12(e) and other sections. These requirements include, but are not limited to, the following:

(a) SIUs shall submit to the POTW, at least twice a year, reports which, at a minimum, describe the nature, concentration, and flow of pollutants which are limited by the POTW (403.12(e) and (h)). In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user;

(b) If sampling performed by an SIU indicates a violation, or any measurement of any concentration or mass limit or flow or other parameter specified in the permit is exceeded, the SIU shall notify the POTW within twenty-four (24) hours of becoming aware of the violation or excessive discharge. The SIU shall also repeat the sampling and analysis then submit the results of the repeat analysis to the POTW within thirty (30) days after becoming aware of the violation (403-12(g)(2)). Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis.

(c) An SIU that monitors any pollutant more frequently than required by the permit or other regulation shall include the results of the extra monitoring in the report (403.12(g)(5)).

(d) The self-monitoring reports shall include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations (403.12(1) and 403.6(a)(2)(ii)).

(e) The self-monitoring reports shall be signed as follows:

(i) If the SIU is a corporation, the responsible corporate officer is a president, secretary, treasurer or vice-president in charge of the principal business function, or any other person who performs similar policy- or decision-making functions or the manager at one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make

management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) By a general partner or proprietor if the SIU is a partnership or sole proprietorship, respectively.

(iii) By a duly authorized representative of the individual in (i) or (ii) above if:

(A) The authorization is made in writing;

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility and

(C) The written authorization is submitted to the POTW (403.12(1)).

(f) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the city or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subparagraph (2)(d) of this rule except that the city may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.

The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by the above paragraph

shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass limits where requested by the director of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be one twenty-four (24) hour monitoring period per one to three (1-3) million gallons of discharge until under the director's discretion sufficient results have shown consistent compliance with permit limitations. The frequency for a particular industry shall be indicated on its industrial discharge permit.

All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provision of part 136 section 304 (h) of the Act [33 U.S.C. 1314 (h)] and contained in 40 C.F.R. and amendments thereto or with any other test procedures approved by the Environmental Protection Agency. The report shall have the signature of an authorized representative that certifies the validity of the report.

(4) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirements established in this section (including documentation associated with best management practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director, approval authority, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or WWF when requested by the director, TDEC or EPA.

(5) Entry on private property. The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or

other industries having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for waste treatment. Such information should be requested to be confidential under §18-210 (3)(b).

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

(7) Easement. The director and other duly authorized employees of the city and personnel of the State of Tennessee Department of Environment and Conservation 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 sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-213. Discharge regulations. (1) Applicability. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a WWF by existing or new industrial users in specific industrial subcategories are established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in Tennessee Rule 0400-40-14-.06. All users of the facilities of the POTW shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR part 136 or equivalent methods approved by the EPA

(2) Wastewater pollutants - maximum concentrations. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy 2016-01¹ or subsequent revisions thereto unless:

¹The Operational Division Policy 2016-01, along with Tables A-D, and any amendments thereto may be found in the recorder's office.

(a) An exception has been granted the user under the provisions of § 18-213; or

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

Local limits: The director is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05 (3).

Dilution of any wastewater discharge for the purpose of satisfying the requirements shall be considered in violation of this chapter. The WWF may develop best management practices (BMPs) by ordinance or in individual wastewater discharge permits and general permits to implement local limits and the requirements of §18-213.

(3) Prohibited pollutants and prohibited wastewater discharges. In accordance with Tennessee Rule 0400-40-14-.05(2), the following pollutants shall not be introduced into the WWF:

(a) Pollutants that create a fire or explosion hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°degrees C) using the test methods specified in 40 CFR 261.21;

(b) Pollutants which cause corrosive structural damage, but in no case discharges with a pH lower than 6.0 or higher than 9.0;

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the WWF, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(d) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the WWF;

(e) Heat in amounts which will inhibit biological activity resulting in interference, but in no case heat such quantities that the temperature of the influent at the treatment works exceeds forty degrees Centigrade (40° C) (one hundred four degrees Fahrenheit (104° F)). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance wastewater with a temperature exceeding sixty five and one half degrees Centigrade (65.5° C) (one hundred fifty degrees Fahrenheit (150° F));

(f) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

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

(h) Wastewater which imparts color which cannot be removed by the treatment process;

(i) Any trucked or hauled pollutants except at designated discharge points;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that could result in a discharge to the WWF.

The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to the table(s) referenced in § 18-213, the industrial user's permits and any discharge permit.

No person or user shall introduce or cause to be introduced any pollutant or wastewater which causes obstruction to the flow of the sewers, pass through or interference. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, pool drainage, condensate, noncontact cooling water, deionized water, or unpolluted wastewater are prohibited, unless specifically authorized by the director. Prohibitions apply to all persons and users whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(4) Protection of treatment plant influent. No person or user shall discharge wastewater that will cause the influent concentration at the POTW to exceed the pollutant levels identified in Operational Division Policy 2016-01 or subsequent revisions thereto. The director shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy 2016-01 or subsequent revisions thereto. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the director from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of

sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit or violation of any federal or state pretreatment requirement.

(7) Limitations on wastewater strength. It is the intent of this chapter to regulate all discharges of compatible wastes in excess of normal domestic wastewater.

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-213(2) of this chapter. Exceptions can be granted according to the following guidelines.

The director shall allow applications for temporary exceptions at any time. However, the director shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the director.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the director upon reasonable notice.

The user requesting the exception must demonstrate to the director that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc. so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and discharge, if exempted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

At such time that the levels of pollutants must be reduced because of violations of any of the provisions of this section, the following method shall be used to reduce the discharge levels: All users shall be required to reduce their discharge levels by a sufficient amount to meet the standard being violated.

(c) Review of application by the director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the director upon application and for just cause shown. Upon receipt of a complete application the director shall evaluate and act upon same within thirty (30) days.

(d) Criteria for review of application by director. The director shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-213 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the

treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(9) Relaxation of discharge criteria. The director shall, to the maximum extent feasible, recommend a relaxation of criteria established in this chapter in the event the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards.

(10) Accidental discharge. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds for any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the director for review, and shall be approved by the director before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Reports of potential problems. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) Notice to employees. In order that employees of users be informed of the city's requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the director from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter.

(d) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

(e) Notification of changes affecting potential to slug discharge. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

(f) Notification of changed discharge. All industrial users shall promptly notify the control authority (and the WWF if the WWF is not the control authority) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Tennessee Rule 0400-40-14-.12(16).

(g) Notification of hazardous discharge. The industrial user shall notify the WWF, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the WWF of a substance, which, if otherwise disposed of, would be a hazardous waste under Tennessee Rule 0400-12-01.

(Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-214. Wastewater charges, fees, and billing. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the city which will enable it to comply with the revenue requirements of the Act and its amendments. Charges and fees shall be determined in a manner consistent with regulations of the Act and policies of the city to insure that sufficient revenues are collected to defray the city's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, depreciation, and equitable industrial cost recovery of EPA administered federal grants.

(2) Classification of users. All users are to be classified by the director either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the city's cost.

(3) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring, maintenance, and analysis;
- (c) Fees for permits;
- (d) Surcharge fees;
- (e) Industrial cost recovery charge;
- (f) Discharge permit fees.

(4) Charges and billing. (a) Wastewater service charge. The wastewater service charge for normal-domestic wastewater is based on the water discharged to the POTW as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and the schedule of charges and fees adopted by the city in title 18, chapter 1 of the Columbia Municipal Code.

(b) Extra strength surcharge. Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this chapter with an appropriate permit therefore will be subject to a surcharge to compensate the POTW for above normal operating and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the schedule

of charges and fee calculated by the director. Users who discharge extra strength wastes without a permit shall be subject to the enforcement provisions of this chapter.

(c) Industrial cost recovery charge. All nongovernmental users identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under Division A (Agriculture, Forestry and Fishing), Division B (Mining), Division D (Manufacturing), Division E (Transportation, Communications, Electric, Gas, and Sanitary Services), and Division I (Services), which discharge to the sanitary sewers wastes other than domestic wastes or wastes from sanitary conveniences shall be assessed an industrial cost recovery charge as required in title 40, part 35 of the U.S. EPA Regulations, based on a schedule of charges and fees adopted by the city.

The ICR charge will not be assessed until required by applicable federal regulations.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the city, subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition to the wastewater service charge. This surcharge shall be based on a surcharge schedule which will be formulated by the director.

(i) Minimum charges. The minimum charge for sewer service will be stated in the schedule of rates and charges as established by the city, in title 18, chapter 1 of the Columbia Municipal Code.

(ii) Estimated billing. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. The director also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water supply and discharges the wastewater into the POTW, the customer must install or have installed according to the city's specifications and maintain a supplementary meter to measure the amount of water so used and the amounts so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and correction of errors. Adjustments to billing for over or under registration of meters, for leaks, for the determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other

recognized and proper adjustments as are granted to water consumers by the city will be accepted by the city and such adjustments for water use shall be applied in obtaining the indicated adjustment billing for sewer charges. All other requests for adjustments of sewer charges made to the city shall be referred to the director who will handle such complaints. Any adjustments or decision thus authorized by the director shall be made to the customer affected thereby.

(v) **Exemptions.** Claims for exemption from the sewer service charge because of nonavailability of sewers may be made to the director. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge, or one (1) year, whichever is less.

(5) **Computation and assessments.** The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedure provided in this chapter. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-215. Administrative enforcement remedies. (1) **Correction of violation.** In order to enforce the provisions of this chapter, the director shall correct any violation thereof. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, is strictly liable and shall be subject to any and all enforcement provisions of this chapter. The director shall be guided by the Industrial Pretreatment Enforcement Response Guide, but shall be able to exercise all remedies and enforcement actions authorized by this chapter and state and federal laws and regulations.

(2) **Notification of violation.** Whenever the director finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the director or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the use of liability of any violations occurring before or after receipt of the notice of violation.

(3) **Consent orders.** The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance.

Such orders will include specific action to be taken by the industrial user to correct the non-compliance within a time period also specified by the order.

Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-215(5) below.

(4) Show cause hearing. The director may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

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

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

(a) Comply forthwith.

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

(7) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the director shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property.

(8) Emergency suspensions. (a) The director may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial

endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subsection (9) below are initiated against the user.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of the hearing described in paragraph (b) above.

(9) Termination of permit. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(a) Violation of permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater constituents and characteristics.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling. Non compliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under paragraph (4) above why the proposed action should not be taken.

(10) Reconsiderations/appeals. (a) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the director interpreting or implementing the provisions of this chapter or in the granting or refusing of any permit issued hereunder, may file with the director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The director's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom.

(b) If the ruling made by the director is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the wastewater appeals board. The written appeal shall be heard within thirty (30) days from the date of filing. The board shall make a final decision on the appeal within fifteen (15) days of the close of the meeting. The decision, action, or determination of the wastewater appeals board shall remain in effect during the pending of any appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(c) The wastewater appeals board shall be appointed by the Mayor of Columbia and approved by the city council. It shall consist of three (3) members, one (1) to represent industries near or in Columbia which do not discharge to the POTW, one (1) to represent water quality regulators from governments near Columbia, and one (1) person to represent those eligible to vote in Columbia, which person must have sufficient technical qualifications to enable them to understand the scientific basis of this chapter. The first member appointed shall serve a one (1) year term. The second appointed shall serve a two (2) year term. The third and subsequent years' appointments shall serve three (3) year terms. The director shall serve as nonvoting executive secretary to the wastewater appeals board. Each member of the wastewater appeals board shall receive a per diem of twenty-five dollars (\$25.00) for each meeting called to consider appeals from wastewater department customers. The wastewater appeals board shall not meet more often than once per appeal. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-216. Judicial remedies. (1) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this ordinance or any order or permit issued hereunder, the director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the circuit court and/or chancery court for Maury County, Tennessee.

(2) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the director, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The director shall have such remedies to collect these fees as it has to collect other sewer service charges.

(3) Civil penalties. (a) Any industrial user who has violated or continues to violate this ordinance or permit or order issued hereunder, shall be liable to the director for a civil penalty of not more than \$10,000

plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

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

(4) Criminal prosecution. (a) Violations - generally. (i) Any industrial user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(b) Falsifying information. (i) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a penalty of not more than ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a penalty not to exceed ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than three (3) years or both. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-217. Supplemental enforcement remedies. (1) Annual publication of significant violations. The director shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation, as defined in 40 CFR 403.8(f)(2)(viii), with any provisions of this ordinance or any permit or order issued hereunder during the period since the

previous publication. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit, instantaneous limit, or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-207(2) (daily maximum, longer term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTWs exercise of its emergency authority under paragraph §18-215(8) to halt or prevent such a discharge.

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

(f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

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

(2) Performance bonds. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(3) Liability insurance. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this

ordinance or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Water supply severance. Whenever a user has violated or continues to violate the provisions of this ordinance or an order or permit issued hereunder, water service to the user may be severed and service will only recommence at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(5) Public nuisances. Any violation of the prohibitions or effluent limitations of this ordinance or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Columbia Municipal Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.

(6) Informant rewards. The director is authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative penalty or civil penalty levied against the user, the director is authorized to disperse up to ten percent (10%) of the collected penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000.00).

(7) Contractor listings. (a) Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Columbia.

(b) Existing contracts for the sale of goods or services to the City of Columbia held by an industrial user found to be in significant violation with pretreatment standards may be terminated at the discretion of the municipality. (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

18-218. Affirmative defenses. (1) Treatment upsets. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the director thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

(a) A description of the upset, its causes, and impact on the discharger's compliance status.

(b) The duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance is continuing, the time by which compliance is reasonably expected to be restored.

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

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

(2) Treatment bypasses. (a) A bypass of the treatment system is prohibited unless all of the following conditions are met:

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

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

(iii) The industrial user properly notified the director as described in the paragraph below.

(b) Industrial users must provide immediate notice to the director upon discovery of an unanticipated bypass. If necessary, the director may require the industrial user to submit a written report explaining the causes, nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the director at least ten (10) days in advance. The director may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-218(2)(a). (Ord. #3352, March 2000, as replaced by Ord. #3932, Dec. 2012, and Ord. #4153, Sept. 2017)

CHAPTER 3

WATER

SECTION

- 18-301. Board of public utilities to operate system.
- 18-302. Rules and regulations, and definitions.
- 18-303. Water service rates, fees, and charges.
- 18-304. Deleted.
- 18-305. Deleted.
- 18-306. Unauthorized use of fire hydrants.
- 18-307. Installation of fire hydrants on private property.
- 18-308. Deleted.
- 18-309. Deleted.

18-301. Board of public utilities¹ to operate system. There is vested in the "Board of Public Utilities," all of the powers, duties and responsibilities placed upon the Board of Waterworks and Sewerage Commissioners by Pub. Acts 1933, ch. 68, and the "Board of Public Utilities" is hereby granted full jurisdiction over the waterworks plant, distribution system, all real estate, or interest in real estate, all personal property, and all equipment and other things appertaining thereto; provided, however, that the funds derived from the sales of bonds and all revenue received from the operation of the municipal waterworks system shall at all times be kept separate and handled in the manner provided under said Pub. Acts 1933, ch. 68, and provisions of the waterworks revenue bond ordinances. (1968 Code, § 13-101, modified)

18-302. Rules and regulations, and definitions. The rules and regulations for the distribution of water by the City of Columbia, Tennessee, operating the Columbia Power and Water Systems, through the Board of Public Utilities of said City of Columbia, shall be as hereinafter set out.

The term "distributor" when used in this chapter shall mean the City of Columbia operating said Columbia Power and Water Systems, by and through the Board of Public Utilities, and the term "customer" shall mean any person, firm, partnership, corporation, or other legal entity receiving water service from the distributor.

¹The original board was appointed on February 3, 1939, to begin serving on July 1, 1939, pursuant to the terms of the "Municipal Electric Plant Law of 1935."

See the Minutes of the Board of Mayor and Aldermen for February 3, 1939, and June 2, 1939, of record in the office of the city recorder.

(1) Rules and regulations. The rules and regulations necessary to ensure the safe and effective use of water service within the water system's service area shall be established by the board of public utilities. Such rules and regulations shall include customer connection requirements and fair and reasonable payment policies.

(2) Restricted use of water. In times of emergencies or in times of water shortage, the city, through the board of public utilities, reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. Such conditions may be specified in the current drought management plan as it may be amended from time to time.

(3) Declaration of water shortage. A water shortage may be declared by the board of public utilities with the concurrence of the mayor at such times as the water supply is deemed inadequate from its source or from the water treatment plant or because of the distribution system.

(4) Interruption of service. The city will, through its board of public utilities, endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

(5) Waiver of notice. In connection with the operation, maintenance, repair and extension of the city's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the presumption of services without notice after such interruption. (1968 Code, § 13-102, as amended by Ord. #3330, Oct. 1999, and replaced by Ord. #3946, April 2013)

18-303. Water service rates, fees, and charges. Definitions. For the purpose of this section: (1) "Commercial/industrial multi-unit master meter" means two (2) or more non-residential units purchasing water through one (1) master water meter.

(2) "Consumer" means the person actually consuming or using water.

(3) "Customer" means a person directly purchasing water from and supplied water by the Columbia Water System.

(4) "Person" means one (1) or more individuals, partnerships, associations, corporations, business trusts, legal representatives, county or municipal governments or any organized group of persons.

(5) "Residential multi-unit master meter" means two (2) or more dwelling units purchasing water through one (1) master water meter.

(6) "Sales for resale" means potable water being sold by a state approved waterworks system to persons that are not customers of Columbia Water System and the waterworks system has a written contract with said system.

(7) "Suburban area" means that area outside the city limits of the City of Columbia, Tennessee.

(8) "Urban area" means that area within the city limits of the City of Columbia, Tennessee.

SCHEDULE A – URBAN AREA

Rate Schedule	January 1, 2022
Customer Charge:	
Residential	\$11.75
Commercial	\$16.25
Industrial	\$76.15
 Multi-Unit Charge:	
Residential per unit	\$4.40
Commercial per unit	\$6.05
 Residential Commodity Charge:	
0–5,000 gallons	\$3.10 per 1,000
All over 5,000 gallons	\$3.60 per 1,000
 Commercial and Industrial Commodity Charge:	
0–5,000 gallons	\$3.15 per 1,000
All over 5,000 gallons	\$3.50 per 1,000

Multi-unit charge: A multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents (\$.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

SCHEDULE B – SUBURBAN AREA

Rate Schedule	January 1, 2022
Customer Charge:	
Residential	\$17.25
Commercial	\$22.00
Industrial	\$76.15
Multi-Unit Charge:	
Residential per unit	\$4.50
Commercial per unit	\$6.25
Residential Commodity Charge:	
0–5,000 gallons	\$4.10 per 1,000
All over 5,000 gallons	\$4.70 per 1,000
Commercial and Industrial Commodity Charge:	
0–5,000 gallons	\$4.15 per 1,000
All over 5,000 gallons	\$4.55 per 1,000
Sales for resale	\$3.03 per 1,000

Multi-unit charge: A multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents (\$.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

SCHEDULE C – WATER SERVICE FOR PRIVATE FIRE PROTECTION

Unmetered private fire protection: This rate is applicable to all consumers requiring private fire protection water service on unmetered mains in areas where Columbia Water System has adequate main capacity to meet consumers' demand for water.

Rate Schedule

Customer charge:	\$7.66 per month
Sprinkler service:	\$.06 per sprinkler head per month
Fire hydrant:	\$9.19 per hydrant per month
Connection charge:	The actual costs of making connections to consumer's unmetered fire service line or lines shall be paid by consumer.

SCHEDULE D – UNMETERED WATER SERVICE FOR PUBLIC FIRE PROTECTION

All fire hydrants installed for the City of Columbia after January 1, 1989 shall be purchased and installed by Columbia Water System. The City of Columbia shall reimburse Columbia Water System the average cost for the materials, labor, transportation, design and engineering and shall make said reimbursement in sixty (60) equal payments at no interest. (Ord. #3450, March 2002, as replaced by Ord. #3640, June 2006, Ord. #3748, April 2008, Ord. #3886, June 2011, and Ord. #4162, Sept. 2017, and amended by Ord. #4377, Nov. 2021 *Ch9_06-09-22*)

18-304. Deleted. (1968 Code, § 13-104, as deleted by Ord. #3946, April 2013)

18-305. Deleted. (1968 Code, § 13-107, as deleted by Ord. #3946f, April 2013)

18-306. Unauthorized use of fire hydrants. It shall be unlawful for any person not authorized by the Columbia Water System to withdraw or discharge water from any fire hydrant maintained by the Columbia Water System. (1968 Code, § 13-108)

18-307. Installation of fire hydrants on private property. In all instances and in all locations where the City of Columbia and its duly authorized officials determine that the fire hydrants should be located on private property, the following conditions are hereinafter set out.

(1) The owners of such private property grant to the City of Columbia a suitable easement for the location of said fire hydrant providing access, ingress and egress and all access necessary for maintenance and repair.

(2) Feed and charges associated with the installation and use of private fire hydrants shall be provided in Schedule C of § 18-303 as it may be amended from time to time.

(3) In all cases where property owners decline to grant such easement providing ingress, egress and general access, then if such fire hydrants are located on such private property, the City of Columbia shall not bear the expense of rental of said fire hydrants. (1968 Code, § 13-109, as replaced by Ord. #3946, April 2013)

18-308. Deleted. (1968 Code, § 13-110, as deleted by Ord. #3946, April 2013)

18-309. Deleted. (1968 Code, § 13-111, as deleted by Ord. #3946, April 2013)

CHAPTER 4**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹****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. Application of chapter.
- 18-410. Discontinuance of water service for noncompliance.

18-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks as operated by the Columbia Water System to furnish water to Columbia and surrounding area.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water, water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other auxiliary intake or any reservoir which contains or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow, including but not limited to by-pass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than the public water system.

(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) "Person." Any and all persons, proprietorships, partnerships, joint ventures, or other entities, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Superintendent." The Superintendent of the Columbia Water System or his authorized representative. (1968 Code, § 8-301)

18-402. Standards. The Columbia 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 the State of Tennessee, which pertain to cross-connections and bypasses, and establish an effective ongoing program to control same. (1968 Code, § 8-302)

18-403. Construction, operation, and supervision. No person shall cause a cross-connection or by-pass, to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection or bypass, is at all times under the direct supervision of the superintendent. (1968 Code, § 8-303)

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 an auxiliary intake or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections. Such statement shall also contain an agreement that no cross-connection will be permitted upon the premises. (1968 Code, § 8-304)

18-405. Inspections required. Columbia Water System will have the authority to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved shall be established by the superintendent and as approved by the Tennessee Department of Health. (1968 Code, § 8-305)

18-406. Right of entry for inspections. The superintendent shall have the right to enter, at any reasonable time, any property served by the public water supply for the purpose of inspecting the piping system or systems therein for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed grounds for the Columbia Water System to immediately terminate water service. (1968 Code, § 8-306)

18-407. Correction of existing violations. Any person who now has cross-connections in violation of this policy shall be allowed a reasonable time, not to exceed thirty (30) days (unless a special extension of said time is requested in writing and granted by the Columbia Water System), within which to comply with the provisions of this policy. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this policy and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Columbia Water System shall be grounds for denial of access to the public water supply. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1968 Code, § 8-307)

18-408. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the 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 supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

Then in such event, the superintendent shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacturer, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

The Columbia Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent. 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 may be critical, the superintendent shall notify the occupant of the premises in writing, of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the superintendent.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, removing, bypassing, or altering of the protective device(s), 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 Columbia Water System. (1968 Code, § 8-308)

18-409. Application of chapter. The requirements contained herein shall apply to all premises served by the Columbia Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Columbia Water System to provide water service to any premises. This chapter being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe or otherwise undesirable, shall be enforced rigidly without regard to location of the premises or to boundaries of any political subdivision served by the public water supply. (1968 Code, § 8-309)

18-410. Discontinuance of water service for noncompliance. Whenever any person neglects or refuses to comply with any of the provisions of this chapter, the superintendent shall discontinue the public water supply service at any premises upon which there is found a cross-connection, and service shall not be restored until such cross-connection has been discontinued. (1968 Code, § 8-310)

CHAPTER 5

STORMWATER ADVISORY COMMITTEE (SWAC)

SECTION

- 18-501. Members.
- 18-502. General duties of the committee.
- 18-503. Meeting quorum.
- 18-504. Hearing procedure, judicial review.
- 18-505. Severability.

18-501. Members. There is hereby established a committee of seven (7) members to be known as the "Stormwater Advisory Committee."

The seven (7) members of this committee shall be selected as follows: Each city council member shall nominate one (1) person from his or her respective ward; the vice mayor and mayor shall each nominate one (1) person from the city at large, one (1) who if possible shall be an environmental engineer or environmental scientist, and one (1) who shall be a person employed or retired from an industrial or commercial establishment regulated by this title. All members shall be approved by the city council and shall serve until their successor is appointed. The committee shall appoint its own chairman, vice chairman, and secretary. Members shall serve in their position for a term of two (2) years. Three (3) of the initial members shall serve for a term of three (3) years in order to stagger appointment of new committee members and provide continuity. Such committee members shall be limited to serving two (2) consecutive terms. (as added by Ord. #3765, Oct. 2008)

18-502. General duties of the committee. (1) To recommend from time to time to the City of Columbia, that the provisions of the stormwater program be modified or amended;

(2) To hold hearings upon appeals of stormwater related orders or actions taken by the city engineer;

(3) To hold hearings relating to the suspension, revocation, or modification of a stormwater management permit and issue appropriate orders relating thereto;

(4) To hold hearings relating to an appeal from a user concerning the accuracy of any stormwater fees imposed upon the user;

(5) To hold such other hearings as may be required in the administration of this document and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this article;

(6) To request assistance from any officer, agent, or employee of the city in obtaining such information or other assistance as the committee might need;

(7) The committee acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the committee. (as added by Ord. #3765, Oct. 2008)

18-503. Meeting quorum. (1) The committee shall hold regular semiannual meetings and such special meetings as the committee may find necessary.

(2) Four (4) members of the committee shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the committee shall require four (4) votes, but a majority of the quorum may decide any procedural matter. (as added by Ord. #3765, Oct. 2008)

18-504. Hearing procedure; judicial review. (1) When to be held. The stormwater advisory committee shall schedule an adjudicatory (judicial style) hearing to resolve disputed questions of fact and law whenever provided by any provision of this document.

(2) Record of hearing. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The committee shall have a stenographical recording of all such hearings prepared by a court reporter. Any party coming before the committee shall have the right to have the record transcribed if they wish to seek judicial review of the order or action of the committee by common law writ of certiorari (used by lower courts for judicial review of decisions made by the SWAC), and in such event the parties seeking such judicial review shall pay for the transcription and provide the committee with the original of the transcript so that it may be certified to the court.

(3) Subpoenas. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of the city, if the witness resides within the city. If the witness does not reside in the city, the chairman shall issue a written request that the witness attend the hearing.

(4) Depositions. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

(5) Hearing procedure. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the

committee may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as may be necessary or advisable to facilitate an orderly hearing subject to approval of the committee. The committee, the city engineer, or his representative, and all parties shall have the right to examine any witness. The committee shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(6) Appeal to committee regarding city engineer's order. Any person aggrieved by any order or determination by the city engineer may appeal said order or determination to the committee and have such order or determination reviewed by the committee under the provisions of this document. A written notice of appeal shall be filed with the city engineer and with the chairman, and such notice shall set forth with particularity the action or inaction of the city engineer complained of and the relief sought by the person filing said appeal. A special meeting of the committee may be called by the chairman upon the filing of such appeal, and the committee may in its discretion suspend the operation or determination of the city engineer's order until such time as the committee has acted upon the appeal.

(7) Absence of chairman. The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in the chairman's absence or in his stead.

(8) Review of committee's decision. Any person aggrieved by any final order of determination of the committee hereunder shall have the right to judicial review by common law writ of certiorari. (as added by Ord. #3765, Oct. 2008)

18-505. Severability. If any section, subsection, phrase, clause or provision of this ordinance be shall declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid. (as added by Ord. #3765, Oct. 2008)