

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWER USE ORDINANCE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. DROUGHT MANAGEMENT.

**CHAPTER 1****WATER****SECTION**

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the City of Milan and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

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

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1978 Code, § 13-102, modified)

**18-103. Obtaining service.** A formal application for either original or additional service must be made to and approved by the city before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of

the MDPU to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1978 Code, § 13-104, modified)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1978 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new service line will be laid by the city, the applicant shall make a deposit of the following amount with the city:

WATER

<u>Size</u>	<u>Tap Fee</u>	<u>Second meter for same tap</u>
3/4"	\$900	\$100
1"	\$1000	\$125
2" and above	Actual cost to department including labor, materials and overhead.	

The above fees are charged to compensate the department for cost of installation of customer owned water service line on public property, utility easements or other land rights or interests held by the department. It shall be the customer's responsibility to maintain his/her water service line. Should that portion of the customer's water service line installed by the department require repair or replacement, said repair or replacement will be performed by the department at no cost to the customer. In the event the customer desires to modify or relocate that portion of the water service line installed by the department for the customer's convenience, this work will be performed by the department and the customer will be billed the actual cost of the modification/relocation or \$25.00, whichever is greater. (1978 Code, § 13-106, modified, as amended by Ord. #08-01, Nov. 2008)

**18-107. Main extensions to developed areas.** The provisions of this section shall apply only to water main extensions of 200 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas. (1978 Code, § 13-107, modified)

**18-108. Water and sewer extension policy in subdivisions.** (1) In a new subdivision, a plan which has been submitted by the developers to and approved by the department, the planning commission and the Department of Environment and Conservation, the department will enter into a contract for the installation of a sanitary sewer system complete with mains, manholes and services, but governed by the following conditions:

(a) The number of lots in such subdivision must be of sufficient quantity to make the sewer extension feasible. (This number will usually be a minimum of ten lots.)

(b) The developer shall be responsible for installation per standard materials and specifications as adopted by the city and approved by the state.

(2) Water mains complete with fire hydrants, valves and services may be installed in subdivisions under the same terms and conditions in (1)(a) and (b) above.

(3) Proposed new houses, apartment buildings or commercial buildings along existing paved streets.

(a) Along existing paved streets where no lift station would be required the department may extend up to 200 feet of sanitary sewer main to serve a proposed residence, apartment building or commercial building. Such extension should extend to the center of such building. Construction by the department would not begin until the building is actually under construction (foundation poured, and wall sections being built). The estimated cost of extensions in excess of 200 feet shall be paid for in advance by the applicant. The applicant is to pay the usual tapping fees charged by the department.

(b) Should a lift station be required to serve the above, this would be installed only upon approval of the board of public utilities.

(c) Water mains complete with fire hydrants, valves and services may be installed along existing paved streets under the same terms and conditions in (3)(a) above. (as amended by Ord. #08-01, Nov. 2008)

**18-109. Main extensions to other areas.** The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section the Standard Materials and Specifications as adopted and approved by the board of the Milan DPU shall apply.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the MDPU. The persons paying the cost of constructing such mains shall execute any written instruments requested by the MDPU to provide evidence of the MDPU's title to such mains. In

consideration of such mains being transferred to it, the MDPU shall incorporate said mains as an integral part of the MDPU water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1978 Code, § 13-108, modified, as amended by Ord. #08-01, Nov. 2008)

**18-110. Variances from and effect of preceding rules as to extensions.** Whenever the department of public utilities is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-109, modified)

**18-111. Meters.** All meters shall be installed, tested, repaired, and removed only by the MDPU.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1978 Code, § 13-110, modified)

**18-112. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown as set by resolution<sup>1</sup> of the utility board.

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in an amount set by resolution<sup>1</sup> of the utility board.

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1978 Code, § 13-111, modified)

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<sup>1</sup>Resolutions are of record in the office of the recorder.

**18-113. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of MDPU.

Where the MDPU allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise thus served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1978 Code, § 13-113, modified)

**18-114. Billing.** Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event the bill is not paid by the discount date, the service may be discontinued after seven (7) to ten (10) additional days without further notice.

Should the final date of payment of bill at the net rate fall on Saturday, Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the MDPU if the envelope is date-stamped on or before the final date for payment of the net amount.

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. (1978 Code, § 13-114, modified, as amended by Ord. #08-01, Nov. 2008)

**18-115. Discontinuance or refusal of service.** The city shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer

or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1978 Code, § 13-115)

**18-116. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge, as set by resolution,<sup>1</sup> shall be collected by the city before service is restored. (1978 Code, § 13-116, modified)

**18-117. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-117)

**18-118. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the

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<sup>1</sup>Resolutions are of record in the office of the recorder.

city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1978 Code, § 13-118)

**18-119. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1978 Code, § 13-119)

**18-120. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, 13-120)

**18-121. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1978 Code, § 13-121)

**18-122. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city; however, water for ground water heat pump systems and other similar installations may be supplied and recovered by private wells within the city if said wells and the system for which they are being constructed are approved by the department of public utilities, which approval shall be applied for and obtained prior to installation, and the well and related equipment shall be subject to periodic inspection by the department of public utilities. (1978 Code, § 13-122)

**18-123. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1978 Code, § 13-123)



**18-124. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the MDPU. (1978 Code, § 13-124, modified)

**18-125. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1978 Code, § 13-125)

**18-126. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-126)

**18-127. Restricted use of water.** In times of emergencies or in times of water shortage, the city 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. (1978 Code, § 13-127)

**18-128. Interruption of service.** The city will 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.

In connection with the operation, maintenance, repair, and extension of the city 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 resumption of service without notice after any such interruption. (1978 Code, § 13-128)

**18-129. Schedule of rates.** All water furnished by the city shall be measured or estimated in gallons to the nearest multiple of 100 and shall be furnished under such rate schedules as the MDPU may from time to time adopt by action of the board.

**18-130. Interruption of service by customer.** No person or entity may interrupt or discontinue water service for any reason without the consent of the superintendent of the Milan Department of Public Utilities or his designate. Nothing in this paragraph is intended to hamper or defeat the efforts of fire apparatus or other emergency personnel in their response to emergency and/or life threatening events.

## CHAPTER 2

### SEWER USE ORDINANCE<sup>1</sup>

#### SECTION

- 18-201. General provisions.
- 18-202. General sewer use requirements.
- 18-203. Pretreatment of wastewater.
- 18-204. Individual wastewater discharge permits.
- 18-205. Individual wastewater discharge permit issuance.
- 18-206. Reporting requirements.
- 18-207. Compliance monitoring.
- 18-208. Confidential information.
- 18-209. Publication of users in significant non-compliance.
- 18-210. Administrative enforcement remedies.
- 18-211. Judicial enforcement remedies.
- 18-212. Supplemental enforcement action.
- 18-213. Affirmative defenses to discharge violations.
- 18-214. Wastewater treatment rates.
- 18-215. Miscellaneous provisions.

**18-201. General provisions.** 1.1 Purpose and policy. This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Milan, Tennessee and enables Milan to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code (U.S.C.) section 1251 et seq.) and the General Pretreatment Regulations (title 40 of the Code of Federal Regulations (CFR) part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- C. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

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<sup>1</sup>The formatting of Ord. #2014-1 has been retained (except for section levels) for ease in future amendments.

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

F. To enable Milan 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.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration. Except as otherwise provided herein, the superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent of the City of Milan Department of Public Utilities (as defined by section 1.4MM of this ordinance) may be delegated by the superintendent to a duly authorized Milan employee.

1.3 Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

BMP - Best Management Practice.

BMR - Baseline Monitoring Report.

BOD<sub>5</sub> - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

CIU - Categorical Industrial User.

COD - Chemical Oxygen Demand.

EPA - U.S. Environmental Protection Agency.

FOG - Fat, Oil, and Grease.

gpd - gallons per day.

IU - Industrial User.

mg/l - milligrams per liter.

NOV - Notice of Violation.

NPDES - National Pollutant Discharge Elimination System.

POTW - Publicly Owned Treatment Works.

RCRA - Resource Conservation and Recovery Act.

SIU - Significant Industrial User.

SNC - Significant Noncompliance.

TSS - Total Suspended Solids.

U.S.C. - United States Code.

1.4 Definitions. For purposes of this ordinance, the term "shall" is mandatory and the term "may" is permissive.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

A. "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.

B. "Approval authority." The Tennessee Division of Water Pollution Control Director or his/her representative(s).

C. "Authorized user" or "duly authorized representative of the user."

(1) If the user is a corporation:

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

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

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

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

(4) The individuals described in subsections (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Milan.

D. "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under

standard laboratory procedures for five (5) days at twenty degrees Centigrade (20° C), usually expressed as a concentration (e.g., mg/l).

E. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 2.4 A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. "Categorical Pretreatment Standard" or "Categorical Standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter 1, subchapter N, parts 405-471.

G. "Categorical Industrial User." An industrial user subject to a categorical pretreatment standard or categorical standard.

H. "Milan." The City of Milan, Tennessee or the city board of aldermen.

I. "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. "Control authority." The City of Milan, Tennessee.

K. "Daily maximum." The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

L. "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

M. "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

N. "Existing source." Any source of discharge that is not a "new source."

O. "Grab sample." A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

P. "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any non-domestic source.

Q. "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the

analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

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

T. "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

U. "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

V. "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

W. "New source." (1) 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 Act that 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.

(2) 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 section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) 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:

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

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

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase 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.

X. "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Y. "Pass through." A discharge which exits the POTW 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 Milan's NPDES permit, including an increase in the magnitude or duration of a violation.

Z. "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state or federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this state or county.

AA. "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

BB. "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat,



wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

CC. "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.

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

EE. "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

FF. "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 2.4 of this ordinance.

GG. "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Milan. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

HH. "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

II. "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

JJ. "Significant Industrial User (SIU)." Except as provided in paragraph (3) of this section, a significant industrial user is:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by Milan on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Milan may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

KK. "Slug load" or "slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 2.4 of this ordinance. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, 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.

LL. "Storm water." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

MM. "Superintendent." The person designated by City of Milan Department of Public Utilities to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a duly authorized representative of the superintendent.

NN. "Surcharge." Additional charge beyond standard sewer charge to recover the cost to treat wastewater that has discharge concentrations above defined values, typically above domestic wastewater.

OO. "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

PP. "User." A source of indirect discharge. The term refers to any person who discharges, causes or permits the discharge of wastewater into the POTW.

QQ. "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

RR. "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal

sewage and industrial waste. (1973 Code, § 18-201, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-202. General sewer use requirements. 2.1 Public sewer use.**

A. Connection with sanitary sewer required. (1) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within five hundred feet (500') of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system. All new buildings hereafter constructed on property which is served by the POTW shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the POTW shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the TDEC or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of sewers. Notwithstanding the above exceptions, all premises served by the POTW are subject to sewer use charges as described in section 14 of this ordinance.

(2) Unconnected sewer service lines prohibited. Except for discharge to a properly functioning septic tank system or discharges permitted by an NPDES permit issued by the TDEC, the discharge of sewage into places other than the POTW is prohibited.

(3) Insufficient capacity, connection moratorium. In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

B. Adequate and minimum fixtures. (1) Minimum number of fixtures. A dwelling shall have at least one (1) commode, one (1) bathtub or shower, one (1) lavatory, one (1) kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary

facilities as may be required by any other law or regulation, but not less than one (1) commode and one (1) hand washing lavatory.

(2) Adequate water for disposal of waste. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(3) Right to enter and inspect connection. The superintendent, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 8:00 A.M. and 5:00 P.M. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the POTW's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the superintendent of such a plug and allow same to be inspected prior to covering any work. If such a line is to be reused, it must first undergo inspection by the superintendent and be in conformity with the existing standards.

(5) Temporary discharges. No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable facilities for festivals or public shows or for other reasonable purposes. The superintendent shall

incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with provisions of this ordinance. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are significant industrial users as defined in section 1.4 of this ordinance, a permit as specified therein will be required.

(7) Grease, grit, oil, and lint traps. Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the POTW sewers or threaten the safety of its employees, shall install and maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the superintendent and constructed in accordance with applicable building codes.

(8) Multi-use private sewer systems. Excluding those industrial waste facilities with a permit issued pursuant to section 4, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the POTW's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the POTW as a result of any discharge through the private system.

2.2 Building sewers, connections, and permits. A. Installation, maintenance, repair of sewer service lines. (1) Definition. A standard sanitary sewer system line is a minimum four inch (4")

pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main trunk.

(2) Installation of sewer service lines. Four inch (4") building sewers shall be laid on a grade greater than one-eighth (1/8") per foot (at least one percent (1%)). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one (1) of the following materials:

- a. Cast iron soil pipe using rubber compression joints of approved type;
- b. Polyvinyl chloride pipe Schedule 40 with rubber compression joints or solvent welded; or
- c. Similar materials of equal or superior quality following superintendent approval.

Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a "Y," or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the city, attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line. All such connections shall be made gastight and watertight.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent (1%) or more. In case where basement or floor levels are lower than the ground levels at the point of connection to the sewer, adequate precautions through the installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the POTW sewer.

(3) Cleanouts. A cleanout shall be located five feet (5') outside of the building, one (1) as it connects on to the utility lateral and one (1) at each change of direction of the building sewer greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall extend to or above the finished grade level directly above the place where the cleanout is installed. A "Y" and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a four inch (4") pipe.

(4) Fees. All costs and expenses 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. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the City of Milan.

(5) Maintenance of service lines. All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The city shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the city's lines.

(6) Methods of installation. The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Environment Federation manuals. Any deviation from the prescribed procedures must be approved by the superintendent.

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

(8) Prohibitions. No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or drain which, in turn, is connected either directly or indirectly to the sanitary sewer.

B. Service line to enter sewer at junction; exceptions. No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the superintendent. In any case where such permission has been given, the work shall be done under the inspection of the superintendent and at the risk and expense of the party making the connection.

C. Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge

to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with section 2.2 of this ordinance and an inspection has been performed by the superintendent.

Conditions made without an approved application may be served by order of the superintendent. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the permit application fee in an amount double the current fee.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the city's rules and regulations, 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 may be granted for additional services by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

D. Acceptance of work. All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the superintendent.

2.3 Private domestic wastewater disposal. A. Availability. Where a public sanitary sewer is not available under the provisions of section 2.1 A of this ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section. Where a public sewer shall become available, the building sewer shall be connected to said sewer within sixty (60) days after official notification by the superintendent.

B. Requirements. (1) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the city and the Gibson County Health Department.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written



permission from the city and the Gibson County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the city and the Gibson County Health Department.

(3) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and Gibson County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the city and Gibson County Health Department 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 by the city and Gibson County Health Department.

(4) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the approval authority, the Gibson County Health Department, and Milan. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to Milan.

(6) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city and/or the Gibson County Health Department.

2.4 Prohibitive discharge standards. A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) (sixty degrees Celsius (60° C)) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference

but in no case solids greater than one-half inch (1/2") or 1.27 centimeters in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C));

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

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

(8) Trucked or hauled pollutants, except at discharge points designated by the superintendent in accordance with section 3.4 of this ordinance;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Milan's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(13) Medical wastes, except as specifically authorized by the superintendent in an individual wastewater discharge permit;

(14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(15) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l];

(17) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any

point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.5 National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405--471.

A. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).

2.6 State pretreatment standards. Users must comply with state pretreatment standards codified at Tennessee Rules chapter 0400-40-14.

2.7 Local limits. A. The superintendent is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3). State requirements and limitations shall apply in any case where they are more stringent than federal requirements or limitations or those in this ordinance.

B. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit:

60 mg/L ammonia as N  
 1500 mg/L BOD<sub>5</sub>  
 0.014 mg/L (mo. ave.) /0.037 mg/L (daily max.) total cadmium  
 1.20 mg/L (mo. ave.) /1.94 mg/L (daily max.) total chromium  
 0.75 mg/L (mo. ave.) /1.23 mg/L (daily max.) total copper  
 0.219 mg/L (mo. ave.) /0.405 mg/L (daily max.) total cyanide  
 0.159 mg/L (mo. ave.) /0.256 mg/L (daily max.) total lead  
 1.67 mg/L (mo. ave.) /2.79 mg/L (daily max.) total nickel  
 100 mg/L total oil and grease  
 0.025 mg/L (mo. ave.) /0.044 mg/L (daily max.) total silver  
 1.40 mg/L total phenols  
 1500 mg/L total suspended solids  
 1.04 mg/L (mo. ave.) /1.83 mg/L (daily max.) total zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The superintendent may impose mass limitations in addition to the concentration-based limitations above.

In addition, wastewater having a BOD<sub>5</sub> in excess of two hundred fifty (250) mg/l or a TSS in excess of three hundred (300) mg/l or an ammonia in excess of fifteen (15) mg/l will be subject to a surcharge fee.

This surcharge will be based on the excess pounds per day of the pollutant that exceeds the aforementioned limit. These fees shall be determined by the City of Milan.

C. The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of section 2.4.

2.8 Milan's right of revision. Milan reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.9 Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (1973 Code, § 8-202, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-203. Pretreatment of wastewater.** 3.1 Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 2.7 of this ordinance within the time limitations specified by EPA, the state, or the superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the superintendent for review, and shall be acceptable to the superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Milan under the provisions of this ordinance.

3.2 Additional pretreatment measures. A. Whenever deemed necessary, the superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

B. The superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the superintendent, shall comply with Milan's oil and grease management ordinance (if applicable), and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Milan's oil and grease management ordinance (if applicable) by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental discharge/slug discharge control plans. The superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the superintendent may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled wastewater. A. Septic tank waste may be introduced into the POTW only at locations designated by the superintendent, and at such times as are established by the superintendent. Such waste shall not violate section 2 of this ordinance or any other requirements established by Milan. The superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The superintendent also may prohibit the

disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the superintendent. No load may be discharged without prior consent of the superintendent. The superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

E. All hauled wastewater may be subject to a permit fee and/or disposal fee as established by the City of Milan (see section 15.1). (1973 Code, § 8-203, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-204. Individual wastewater discharge permits.** 4.1 Wastewater analysis. When requested by the superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Individual wastewater discharge permit requirement. A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the superintendent, except that a significant industrial user that has filed a timely application pursuant to section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. The superintendent may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

4.3 Individual wastewater discharge permitting: existing connections. Any user required to obtain an individual wastewater discharge permit who was

discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the superintendent for an individual wastewater discharge permit in accordance with section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the superintendent.

4.4 Individual wastewater discharge permitting: new connections. Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with section 4.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual wastewater discharge permit application contents.

A. All users required to obtain an individual wastewater discharge permit must submit a permit application. The superintendent may require users to submit all or some of the following information as part of a permit application:

- (1) Identifying information. (a) The name and address of the facility, including the name of the operator and owner.
  - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental permits. A list of any environmental control permits held by or for the facility.
- (3) Description of operations. (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (d) Type and amount of raw materials processed (average and maximum per day);
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains,

and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula in Tennessee Rule 0400-40-14-.06(5).

(7) Measurement of pollutants. (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process.

(c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 6.10 of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(e) Sampling must be performed in accordance with procedures set out in section 6.11 of this ordinance.

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

(B) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application signatories and certifications. A. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in section 6.14.

B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be



submitted to the superintendent prior to or together with any reports to be signed by an authorized representative.

4.7 Individual wastewater discharge permit decisions. The superintendent will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete permit application, the superintendent will determine whether to issue an individual wastewater discharge permit. The superintendent may deny any application for an individual wastewater discharge permit. (1973 Code, § 8-204, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-205. Individual wastewater discharge permit issuance.**

5.1 Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain:

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

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to Milan in accordance with section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including best management practices, based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

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

(6) Requirements to control slug discharge, if determined by the superintendent to be necessary.

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

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

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the superintendent to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

5.3 Permit modification. A. The superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to Milan's POTW, Milan personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 5.4.

5.4 Individual wastewater discharge permit transfer. Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the superintendent and the superintendent approves the individual wastewater discharge permit transfer. The notice to the superintendent must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

5.5 Individual wastewater discharge permit revocation. The superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the superintendent of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the superintendent of changed conditions pursuant to section 6.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the superintendent timely access to the facility premises and records;

- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.

5.6 Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit.

5.7 Regulation of waste received from other jurisdictions. A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City of Milan shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the superintendent shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the superintendent may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in section 2.7 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Milan's ordinance or local limits;
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the superintendent; and which of these activities will be conducted jointly by the contributing municipality and the superintendent;

(4) A requirement for the contributing municipality to provide the superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action. (1973 Code, § 8-205, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-206. Reporting requirements. 6.1 Baseline monitoring reports.**

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-1400-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall be submitted to the superintendent

a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in sections 4.5A(1)(a), 4.5A(2), 4.5A(3)(a), and 4.5A(6).

(2) Measurement of pollutants. (a) The user shall provide the information required in section 4.5A(7)(a) through (d).

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

(c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(d) Sampling and analysis shall be performed in accordance with section 6.10;

(e) The superintendent 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;

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

(3) Compliance certification. A statement, reviewed by the user's authorized representative as defined in section 1.4C and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M)

and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 6.2 of this ordinance.

(5) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 6.14 A of this ordinance and signed by an authorized representative as defined in section 1.4 C.

6.2 Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

6.3 Reports 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 POTW, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. All compliance reports must be signed and certified in accordance with section 6.14 A of this ordinance. All sampling will be done in conformance with section 6.11.

6.4 Periodic compliance reports. A. All users must, at a frequency determined by the superintendent, submit no less than four (4) per year (no later than the 15th of January, April, July, and October) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

B. All periodic compliance reports must be signed and certified in accordance with section 6.14 A of this ordinance.

C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

D. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent using the procedures prescribed in section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

A. The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 4.5 of this ordinance.

B. The superintendent may issue an individual wastewater discharge permit under section 5.6 of this ordinance or modify an existing wastewater discharge permit under section 5.3 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of potential problems. A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendent 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.



B. Within five (5) days following such discharge, the user shall, unless waived by the superintendent, 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 that 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 that may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

6.7 Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require.

6.8 Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if Milan performs sampling at the user's facility at least once a month, or if Milan performs sampling at the user between the time when the initial sampling was conducted and the time when the user or Milan receives the results of this sampling. If Milan performs the sampling and analysis in lieu of the industrial user, Milan will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

6.9 Discharge of hazardous waste. The discharge of hazardous wastes, as set forth in 40 CFR part 261, to the POTW is strictly prohibited.

6.10 Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other

applicable sampling and analytical procedures, including procedures suggested by the superintendent or other parties approved by EPA.

6.11 Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by tile report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in sections B and C below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by Milan, the samples must be representative of the discharge. 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 Milan, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in sections 6.1 and 6.3, 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 superintendent may authorize a lower minimum. For the reports required by paragraphs section 6.4, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

6.12 Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements,

and documentation associated with best management practices established under section 2.7 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or Milan, or where the user has been specifically notified of a longer retention period by the superintendent.

6.14 Certification statement. Certification of permit applications and user reports. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 4.7; users submitting baseline monitoring reports under section 6.1 B(5); users submitting reports on compliance with the categorical pretreatment standard deadlines under section 6.3; and users submitting periodic compliance reports required by section 6.4 A through D. The following certification statement must be signed by an authorized representative as defined in section 1.4 C:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (1973 Code, § 8-206, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-207. Compliance monitoring.** 7.1 Right of entry: inspection and sampling. The superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the superintendent access to the user's premises shall be a violation of this ordinance.

7.2 Search warrants. If the superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Milan designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the superintendent may seek issuance of a search warrant from the Municipal Court of Milan. (1973 Code, § 8-207, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-208. Confidential information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (1973 Code, § 8-208, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-209. Publication of users in significant non-compliance.** The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users that, at any time during the previous twelve (12) months, were in significant noncompliance with applicable, pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs C, D or H of this section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment standard or requirement as defined by section 2 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent 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 the public or to the environment, or has resulted in the superintendent's exercise of its emergency authority to halt or prevent such a discharge;

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

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of best management practices, which the superintendent determines will adversely affect the operation or implementation of the local

pretreatment program. (1973 Code, § 8-209, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-210. Administrative enforcement remedies.** 10.1 Notification of violation. When the superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the superintendent may serve upon that user a written notice of violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the superintendent. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the superintendent to take any action, including emergency actions or any other enforcement action, without first issuing an NOV.

10.2 Consent orders. The superintendent may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show cause hearing. The superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the superintendent and show cause why the 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, the reasons for such action, and a request that the user show cause why the 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 authorized representative of the user as defined in section 1.4 C and required by section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Administrative orders. When the superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and

properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and desist orders. When the superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Emergency suspensions. The superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent may 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 superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the superintendent that the period of endangerment has passed, unless the termination proceedings in section 10.7 of this ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting 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

superintendent prior to the date of any show cause or termination hearing under section 10.3 or 10.7 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.7 Termination of discharge. In addition to the provisions in section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge 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 volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user. (1973 Code, § 8-210, as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-211. Judicial enforcement remedies.** 11.1 Injunctive relief. When the superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the superintendent may petition the municipal court through Milan's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil penalties. A. A user who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to Milan for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.



B. The superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Milan.

C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Criminal prosecution. A. A user who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

B. A user who willfully or negligently introduces any substance into the POTW that causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, 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 fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

11.4 Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the superintendent may take other action against any user when the circumstances warrant. Further, the superintendent is empowered to take more than one (1) enforcement action against any noncompliant user. (as replaced by Ord. #08-02, Nov. 2008, and Ord. #2014-1, Feb. 2014)

**18-212. Supplemental enforcement action.** 12.1 Penalties for late reports. The superintendent may assess a penalty of one hundred dollars (\$100.00) to any user for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due. Actions taken by the superintendent to collect late reporting penalties shall not limit the superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance bonds. The superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to Milan, in a sum not to exceed a value determined by the superintendent to be necessary to achieve consistent compliance.

12.3 Liability insurance. The superintendent may decline to issue or reissue an individual wastewater discharge to any user who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of outstanding fees and penalties. The superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.5 Water supply severance. Whenever a user has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

12.6 Public nuisances. A violation of any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent any person(s) creating a public nuisance shall be subject to the provisions of the Milan City Code governing such nuisances, including reimbursing Milan for any costs incurred in removing, abating, or remedying said nuisance.

12.7 Contractor listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to Milan. Existing contracts for the sale of goods or services to Milan held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated

at the discretion of the superintendent. (as added by Ord. #08-02, Nov. 2002, and replaced by Ord. #2014-1, Feb. 2014)

**18-213. Affirmative defenses to discharge violations. 13.1 Upset.**

A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C, below, are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the superintendent within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 2.4 A of this ordinance or the specific prohibitions in section 2.4B(3) through (7) and (9) through (17) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Milan was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass. A. For the purposes of this section:

(1) Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this section.

C. Bypass notifications. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The superintendent may waive the written report on a

case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass. (1) Bypass is prohibited, and the superintendent may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph C of this section.

(2) The superintendent may approve an anticipated bypass, after considering its adverse effects, if the superintendent determines that it will meet the three (3) conditions listed in paragraph D(1) of this section. (as added by Ord. #08-02, Nov. 2008, and replaced by Ord. #2014-1, Feb. 2014)

**18-214. Wastewater treatment rates.** All wastewater treatment rates, including pretreatment rates and surveillance fees, shall be determined by Milan. (as added by Ord. #08-02, Nov. 2008, and replaced by Ord. #2014-1, Feb. 2014)

**18-215. Miscellaneous provisions.** 15.1 Pretreatment charges and fees. Milan may adopt reasonable fees for reimbursement of costs of setting up and operating Milan's Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in section 15.1 B) associated with the enforcement activity taken by the superintendent to address noncompliance; and

F. Other fees as Milan may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by Milan. (as added by Ord. #08-02, Nov. 2008, and replaced by Ord. #2014-1, Feb. 2014)

## CHAPTER 3

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

#### SECTION

- 18-301. Definitions.
- 18-302. Public water supply.
- 18-303. Cross-connections, intakes, by-passes, and inter-connections.
- 18-304. Private uncovered or unsanitary storage; agreement as to on-connection.
- 18-305. Inspections.
- 18-306. Right of entry to inspect; information furnished by owners.
- 18-307. Time for compliance.
- 18-308. Approved protective devices, how and when required.
- 18-309. Water from source other than public supply.
- 18-310. Discontinuance of service.
- 18-311. Violation.

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

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

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or backpressure valves, or because of any other arrangement.

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

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

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

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1973 Code, § 8-301)

**18-302. Public water supply.** The Milan public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 67-221-720, as well as the rules and regulations for public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (1973 Code, § 8-302)

**18-303. Cross-connections, intakes, by-passes, and inter-connections.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Superintendent of the Milan Department of Public Utilities of the City of Milan. (1973 Code, § 8-303)

**18-304. Private uncovered or unsanitary storage; agreement as to non-connection.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Milan Department of Public Utilities of the City of Milan a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1973 Code, § 8-304)

**18-305. Inspections.** It shall be the duty of the Milan Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Superintendent of the Milan Department of Utilities of the City of Milan and as approved by the Tennessee Department of Health. (1973 Code, § 8-305)

**18-306. Right of entry to inspect; information furnished by owners.** The Superintendent of the Milan Department of Public Utilities or his



authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Milan Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1973 Code, § 8-306)

**18-307. Time for compliance.** Any person who now has cross-connections, auxiliary intakes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Milan Department of Public Utilities of the City of Milan. (1973 Code, § 8-307)

**18-308. Approved protective devices, how and when required.** When 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; or
- (2) That the person in charge of the premises cannot or will not show to the satisfaction of those in charge of the public water supply that the nature of the water usage and protective features of the plumbing are such as to pose no hazard to the quality of the public water supply; or
- (3) That changes may be made frequently or occasionally to the plumbing; or
- (4) That protective measures incorporated within the plumbing may be altered, disconnected, or by-passed.

(a) The superintendent of the Milan Department of Public Utilities of the City of Milan, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of such backflow protective device shall be approved by the Superintendent of the Milan Department of Public Utilities of the City of Milan 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.

(b) The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by

the Superintendent of the Milan Department of Public Utilities or his designated representative. Water service shall not be disrupted to test the device without the prior knowledge of the occupant of the premises.

(c) 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, or some other means shall be provided to prevent interruption of the water supply, approved by the Tennessee Department of Health and the Milan Department of Utilities. Where only one unit is installed and the continuance of service is critical, the Superintendent of the Milan Department of Public Utilities shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of the Department of Public Utilities of the City of Milan. (1973 Code, § 8-308)

**18-309. Water from source other than public supply.** Any water from a source other than the public supply which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as follows:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters one-inch high located on a red background. (1973 Code, § 8-309)

**18-310. Discontinuance of service.** The Superintendent of the Department of Public Utilities of the City of Milan shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, or inter-connection has been discontinued. (1973 Code, § 8-310)

**18-311. Violation.** Any violation of this chapter is declared a misdemeanor. (1973 Code, § 8-311)

## CHAPTER 4

### DROUGHT MANAGEMENT

#### SECTION

- 18-401. Authority and guidelines for declaration.
- 18-402. Prohibited situations.
- 18-403. Category designation.
- 18-404. Change in category designation.
- 18-405. Drought categories defined.
- 18-406. Category implementations.
- 18-407. Prohibitions strictly enforced.
- 18-408. Sufficient water supply or pressure not guaranteed.
- 18-409. Severability.
- 18-410. Definitions.

**18-401. Authority and guidelines for declaration.** The mayor or his designee the superintendent of Milan Public Utilities (MPU) is hereby authorized to declare a water shortage emergency to exist in accordance with the standards set out in § 18-403. The declarer must immediately attempt to contact all board members to inform them of the emergency action. An end to a water shortage emergency must be declared by the mayor and board of alderman. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-402. Prohibited situations.** The following situations are prohibited within the system's service area, when a water shortage emergency has been declared under § 14-401.

- (1) Permitting unreasonable amounts of water to escape down a gutter, ditch or other surface drain while using water for a legitimate purpose;
- (2) Failure to repair a controllable leak of water;
- (3) Failure to put to reasonable beneficial use any use of water withdrawn from the system; and
- (4) Use of a lawn sprinkler system during or immediately after a rain event. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-403. Category designation.** The declaration of a water shortage emergency shall designate whether it is a category 1, 2, 3 or 4 water shortage emergencies as outlined in § 18-405 of this chapter. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-404. Change in category designation.** The declaration may be scaled up or down during the emergency, as declared by the mayor or his designee. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-405. Drought categories defined.** The City of Milan has four (4) categories of a water shortage emergency. They are listed below with an initiating condition and the actions to be taken in each category.

<u>Category</u>	<u>Initiating Conditions</u>	<u>Actions</u>
1. Water Alert	Drought conditions in the region, or Demand reaches 70 percentage of supply for 3 or more consecutive days, or Water storage is approaching the minimum volume required for fire protection or other essential needs.	Voluntary water reduction
2. Serious Shortage	Demand reaches 85 percentage of supply for 3 or more consecutive days.	Mandatory water restrictions
3. Critical Shortage	Demand reaches 95 percent or greater of supply for 3 or more consecutive days.	Water use prohibitions
4. Water Emergency	System failure or treatment plant failure, supply or system contamination, any other catastrophic event	Immediate notification of customers, implementation of stage 2 and 3 actions, seek assistance from other agencies, emergency council session

(as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-406. Category implementations.** The following will be implemented as listed for each of the water shortage categories in § 14-405 once a water shortage emergency has been declared.

(1) Category 1---water alert. The declaration will activate a process to notify the customers of the potential water shortage and what voluntary measures that are asked to be implemented.

(a) Ask customers to voluntarily comply with the following water-use restrictions:

- (i) Cease frivolous use of water.
- (ii) Cease watering the landscape between the hours of 9:00 A.M. to 7:00 P.M.
- (iii) Water landscape during the hours not listed above, on alternative days. (Even numbered addresses on even days, odd numbered addresses on odd days.)

(iv) Notify the local news media, if appropriate, to ask for their assistance in notifying customers.

(v) Initiate other water conservation measures; and

(b) Actively promote drought related issues and the need to conserve.

(2) Category 2---serious water shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

(a) Irrigation of landscaped areas: Outdoor watering hours will be limited to between midnight and 9:00 A.M. and between 7:00 P.M. and midnight on designated days as set forth in the Milan Public Utilities Drought Management Plan. This prohibition does not apply to irrigation of landscaped areas if it is by means of:

(i) A hand-held hose; or

(ii) A faucet-filled bucket or watering can of five gallons or less.

Commercial greenhouses and greenery suppliers will limit their watering of plants to every other day. Watering will not be allowed from 9:00 A.M. to 7:00 P.M. Drip style irrigation shall be utilized unless permission to use other styles has been granted by the mayor or his designee.

(b) Vehicle washing: Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering days between the hours of midnight and 10:00 A.M. and between 7:00 P.M. and midnight. Such activity, when allowed, shall be done with a handheld bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

(c) Pools:

(i) Filling of all new and existing swimming pools, hot tubs, wading pools, is prohibited. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:

(A) Draining excess water from pool due to rain in order to lower water to maintenance level;

(B) Repairing, maintaining or replacing pool components that have become hazardous; or

(C) Repair of a pool leak.

(ii) Refilling of public/community swimming pools permitted only if pool has been drained for repairs, maintenance, or replacement as outlined in items above.

(iii) Exception from filling is only acceptable if pool is used for a neighborhood fire control supply or the pool's use is required by a medical doctor's prescription.

(d) Outside water features: operation of outside water features, such as, but not limited to, fountains, splash pad type fountains or outdoor misting systems, is prohibited, except where such features are used to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools).

(e) Ponds: Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. The city through MPU may request specific design documentation regarding a pond and the intended purpose.

(f) Golf courses: Golf courses receiving any amount of treated water from MPU must limit watering to only tees and greens and not other golf course areas.

(g) Events: Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a recirculating device, or onto a pervious surface to prevent water waste.

(h) Restaurants: All restaurants are encouraged to serve water to their patrons only upon request.

(i) Fire hydrants: Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special conditions and requires a meter; a variance application must be submitted with an explanation of the special conditions.

(j) Recreational areas (includes parks and athletic fields): The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow a no more than twice per week schedule. A variance can be obtained if watering cannot be completed on the designated two (2) day schedule.

(k) Water waste: The following non-essential uses of water are prohibited at all times during periods in which restrictions have gone into effect:

(i) Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces is prohibited except for immediate health and safety;

(ii) Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but allowable for surface preparation of maintenance work to be performed;

(ii) Flushing gutters or flooding gutters is prohibited except for immediate health and safety; and

(iv) Controlling dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

(3) Category 3---critical water shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions:

(a) Irrigation of Landscaped areas:

(i) Irrigation of landscaped areas is prohibited, except with hand-held hoses, hand-held buckets, or drip irrigation. The use of hose-end sprinklers or in-ground irrigation systems are prohibited at all times during Stage 3.

(ii) No new landscapes may be installed.

(b) Vehicle washing: Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

(c) Pools: Installation of swimming pools is prohibited. The filling or replenishing of water to swimming pools, hot tubs, wading pools, and other types of pools is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

(d) Events: Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water are prohibited.

(e) Recreational areas (includes parks and athletic fields): The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.

(f) Issue public service announcements to notify customers of the severity of the conditions.

(4) Category 4---emergency water shortage. The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect. All requirements of Stages 1 through 3 are also in effect during Stage 4, with the following modifications and additions:

(a) Irrigation of landscaped areas is prohibited.

(b) Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.

(c) No applications for new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-407. Prohibitions strictly enforced.** Water waste prohibitions set forth in this chapter will be strictly enforced. Violators may be cited pursuant to Milan Municipal Code, and water service may be interrupted for repeat violations as set forth in the Milan Public Utilities Drought Management Plan. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-408. Sufficient water supply or pressure not guaranteed.** The city cannot and does not guarantee either sufficient supply or adequate or uniform pressure during a water shortage. The city shall not be liable for any damages or loss resulting from an inadequate or interrupted supply, from pressure variations, or for damages from the resumption of service when such conditions are not due to willful fault or neglect on its part. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-409. Severability.** That if any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City of Milan Board of Mayor and Alderman hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more section, subsections, sentences, clauses and phrases be declared unconstitutional. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)

**18-410. Definitions.** (1) "Essential use." The use of water is strictly for fire fighting, safety, sanitation, health and medical purposes, and the use to satisfy federal, state and local public health and safety requirements.

(2) "Domestic use." Any use of water for household purpose such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial establishment.

(3) "Non-essential use." All other uses for water other than essential or domestic use. (as added by Ord. #2016-11, June 2016 *Ch7\_6-20-19*)