

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. RULES, RATES AND CHARGES FOR THE GOVERNING OF THE WATER QUALITY CONTROL DEPARTMENT.
2. SEWAGE AND HUMAN EXCRETA DISPOSAL.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. [MOVED TO TITLE 19 CHAPTER 5.]
5. [MOVED TO TITLE 19 CHAPTER 6.]

CHAPTER 1

RULES, RATES, AND CHARGES FOR THE GOVERNING OF THE WATER QUALITY CONTROL DEPARTMENT²

SECTION

- 18-101. Rules, regulations, rates and policies adopted and how they may be repealed, amended, or adopted.
- 18-102. Available in recorder's office.
- 18-103. Violations.
- 18-104. Water uses regulated during periods of shortage.

¹Until 1988, the electrical, water, and wastewater systems for the City of Maryville were under the jurisdiction, control, and management of the Board of Utilities of the City of Maryville as provided by Priv. Acts 1955, ch. 176 which was set out, as amended, in the charter. At that time art. XIII in the city's charter also expressly provided for the utilities board to control and manage those three (3) utilities. However, Priv. Acts 1988, ch. 222, repealed Priv. Acts 1955, ch. 176 and art. XIII of the city's charter and provided that "all rights, title and interest in and to all property and assets and all obligations of the Board of Utilities of the City of Maryville are hereby transferred to the City of Maryville."

For provisions authorizing the fluoridation of the water supply of the city, see Ord. #771 of record in the recorder's office.

For the provisions of a franchise granted October 1, 1957, to Tapoco, Inc., for the construction, maintenance, and operation of a water pipe line within the city, see Ord. #764 of record in the recorder's office.

²Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

18-101. Rules, regulations, rates and policies adopted and how they may be repealed, amended, or adopted. For the purpose of governing the operation of the City of Maryville's Water Quality Control Department within or without the municipality, the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department are adopted by the city as set forth in Exhibit A hereto.¹ Such Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department may be repealed, amended, and adopted by resolution. (1985 Code, § 13-101, as replaced by Ord. #2004-43, Dec. 2004)

18-102. Available in recorder's office. One copy of the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department has been placed on file in the recorder's office and shall be kept there for use and inspection of the public. (1985 Code, § 13-102, as replaced by Ord. #2004-43, Dec. 2004)

18-103. Violations. Any person, firm, corporation, or agent who shall violate a provision of the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department or fail to comply therewith or with any of the provisions thereof may be deemed guilty of a separate offense and for each and every day or portion thereof during which any violation of any or the provisions of the Rules, Regulations, Rates and Policies for the City of Maryville Water Quality Control Department is committed. Upon a finding of guilt, the violator shall be fined as set forth in the Rules, Regulations, Rates and Policies of the City of Maryville Water Quality Control Department whose provisions regarding fees are hereby adopted by reference. (1985 Code, § 13-103, as replaced by Ord. #2004-43, Dec. 2004)

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

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

(2) All further requests for water conservation and/or curtailment of water use shall be based on the available water supply from all sources including, but not limited to, auxiliary raw water supply lines and supply

¹Exhibit A to Ord. #2004-43, Dec. 2004 is of record in the recorder's office.

connections from other water providers and the ability of the utilities' distribution system to maintain proper levels in their respective water storage tanks/reservoirs.

- (3) It is the intent of this section to address water supply both during:
 - (a) Drought conditions; and
 - (b) Other emergency conditions that may limit the available potable water within one (1) or more of the utilities' water distribution systems.

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

- (a) When the potable water demand to allow the utilities' tanks/reservoirs to remain full is eighty-five percent (85%) or less than the total available potable water supply from all sources, then voluntary water conservation measures as defined below shall be put into effect; no other measures to encourage or require conservation will be taken.

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

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

- (d) Water conservation definitions.
 - (i) Industrial and commercial water conservation measures. When called for, "industrial and commercial water conservation measures" shall require industrial and commercial customers, excluding medical care facilities, to reduce their water usage by at least ten percent (10%) of their average daily consumption until notice is given that the restriction is no longer in effect.

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

limited watering permit, upon such terms and conditions as the respective utility deems appropriate, for:

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

(B) Commercial nurseries; such permits shall be for a duration of less than thirty (30) days. Such temporary limited watering permits may be extended upon application to the utility and for good cause shown, any such extension not to exceed the time of the initial permit. The elimination of water usage for "non-essential purposes" shall be included in a call for mandatory water conservation measures.

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

(4) When any of the conditions specified in subsections (1), (2), (3)(a), (3)(b) and (3)(c) of § 18-104 are existing or eminent, official notice of these restrictions will be given promptly to the public through the local news media. The city will also notify its ten (10) largest water customers of the emergency via telephone calls, U.S. mail, electronic messages, and/or other practical means of communications.

(5) It shall be unlawful for any person, firm, association, partnership or corporation to violate or fail to comply with any provisions of this section, and any person, firm, association, partnership or corporation shall upon conviction of any violations be fined fifty dollars (\$50.00) for each separate offence. Each day that a violation occurs shall be construed a separate offence and punished accordingly. (as added by Ord. #2011-02, Nov. 2010)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-201. General provisions.
- 18-202. Discharge regulations.
- 18-203. Private sewage disposal and holding tank waste disposal.
- 18-204. Charges and fees.
- 18-205. Administration.
- 18-206. Building sewers and connections.
- 18-207. Grease, oil and sand traps and separators.
- 18-208. Enforcement.

18-201. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Maryville, Tennessee, hereinafter known as the city, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, and the State of Tennessee's General Pretreatment Regulations, and the Federal Pretreatment Regulations (40 C.F.R., part 403).

The objectives of this chapter are:

- (a) To protect the public health;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or biosolids;
- (c) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- (d) To improve the opportunity to recycle and reclaim wastewaters, biosolids and sludges from the system; and
- (e) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and

¹Municipal code reference

Plumbing code: title 12, chapter 2.

provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Maryville and to persons outside the city who are, by contract or agreement with the city, users of the City of Maryville's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the city manager or his representative shall administer, implement, and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, 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. 1251, et seq.

(b) "Absolve." To excuse; to free from an obligation or the consequences of guilt or liability.

(c) "Administrative action." An enforcement action (a penalty or order) authorized by the control authority's legal authority which is taken without involvement of a court of law.

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

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

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

(g) "Admissible evidence." Circumstance(s) that would lead a common person to believe that a crime or violation has occurred, is occurring or is about to occur, and would be admissible in a court of law.

(h) "Affidavit." A sworn written statement under oath before an authorized magistrate or officer.

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

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

(k) "Authorized representative of industrial user."

(i) 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 requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(iii) 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.

(iv) The individuals described in subsections (i) through (iii), 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 the control authority.

(l) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-202(1) [40 C.F.R. 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(m) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees (20°) centigrade (sixty-eight degrees (68°) Fahrenheit) expressed in terms of

weight [pounds per day (lb/day)] and concentration [milligrams per liter (mg/l)].

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

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

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

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

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

(s) "Categorical standards; categorical pretreatment standards." National categorical pretreatment standards or pretreatment standard.

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

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

(v) "Chain of custody." A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including names, dates, times and procedures followed.

(w) "Chronic violation." The term used to describe violations of a wastewater discharge permit when the limit for any one (1) parameter listed in the permit is exceeded by any magnitude for sixty-six percent (66%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month rolling quarter period covered by the semiannual report required by the approval authority.

(x) "City." The City of Maryville, Tennessee.

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

(z) "Civil litigation." A lawsuit filed in a civil court of law. If the court rules that the defendant user violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

(aa) "Civil penalty." A punitive monetary award granted by a court of law to the control authority against a non-compliant user.

(bb) "Combined sewer." A sewer receiving both sewage and surface runoff from downspouts, storm sewers and surface or groundwater.

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

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

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

(ff) "Composite sample" or "twenty-four hour flow proportional composite sample." A sample consisting of several wastewater portions during a twenty-four (24) hour period in which the portions are proportional to the flow and combine to form a representative sample.

(gg) "Consent decree." A court supervised settlement agreement, the violation of which may be considered contempt of court.

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

(ii) "Control authority." The City Manager of the City of Maryville or his designated representative.

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

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

(ll) "Criminal negligence." Negligence of such a character, or occurring under such a circumstance, as to be punishable as a crime (such as a flagrant and reckless disregard of the safety of others or willful indifference to the injury likely to follow).

(mm) "Criminal prosecution." A criminal charge brought by the control authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing and/or intentional violations. A court trial-by-jury is generally

required and, upon conviction, punishment may include a monetary penalty, imprisonment or both.

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

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

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

(qq) "Defendant." The party against whom relief or recovery is sought.

(rr) "Deposition." A discovery device by which one party addresses verbal questions to the other party or to a witness for the other party. Depositions are conducted under oath outside the courtroom, usually in the office of an attorney. A transcript is made of the deposition which may be used as evidence at trial.

(ss) "Deterrent value." A threat of reprisal which is sufficient to discourage the user from future violations.

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

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

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

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

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

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

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

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

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

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

(bbb) "Grab sample." A grab sample is an individual sample collected from a waste stream, on a one (1) time basis, over a period of time not exceeding fifteen (15) minutes.

(ccc) "Hearing authority." The administrative board responsible for the administration and enforcement of an approved pretreatment program and the provisions of Tennessee Code Annotated, §§ 69-3-123 through 69-3-129. The local hearing authority shall consist of the City Manager of the City of Maryville, and any member(s) of the city council or any officer(s) or employee(s) of the city so designated as the hearing authority by the city manager. The hearing authority shall conduct hearings concerning the pretreatment program in accordance with Tennessee Code Annotated, §§ 69-3-123 through 69-9-129.

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

(eee) "Incompatible pollutant." All pollutants other than compatible pollutants as defined herein.

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

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

(hhh) "Injunction" or "injunctive relief." A court order which restrains or compels action by the user.

(iii) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the flow rate and the duration of the sampling event.

(jjj) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the

POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system.

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

(lll) "Legal authority." The source of a control authority's jurisdictional and regulatory powers.

(mmm) "Litigation." An enforcement action brought in a judicial (court) forum.

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

(ooo) "National prohibitive discharge standard" or "prohibitive discharge standard." Any regulation developed under the authority of section 307(b) of the Act and 40 C.F.R., section 403.5.

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

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

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

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

(iii) 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.

(A) Construction on the site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of this

section but otherwise alters, replaces or adds to existing process or production equipment.

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

(1) Begun, or caused to begin as a part of a continuous on-site construction program:

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

(b) 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

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

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

(sss) "Normal sewage." Sewage shall be regarded as normal for the city, if analyses show a daily average loading of not more than three hundred (300) milligrams per liter of BOD₅; not more than eight hundred (800) milligrams per liter of COD; not more than three hundred (300) milligrams of total suspended solids; not more than thirty (30) milligrams per liter of ammonia-nitrogen; not more than sixty (60) milligrams per liter of total nitrogen; and not more than one hundred (100) milligrams per liter of ether soluble matter (oil and grease).

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

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

(vvv) "Penalty." A monetary or other punitive measure, usually associated with a court action, for a violation of the law.

(www) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate,

governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

(yyy) "Plaintiff." A person or organization seeking remedy from a court. For the purposes of this chapter, the plaintiff is the control authority.

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

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

(bbbb) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 C.F.R. section 403.6(d).

(cccc) "Pretreatment requirements or standards." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user, including, but not limited to, discharge limits, sampling requirements, analytical requirements, reporting requirements and compliance schedules.

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

(eeee) "Proprietary information." Information about a commercial chemical, product or process which is considered to be confidential business information or a trade secret by an industrial user because, if divulged, the information could put the industrial user in an unfair competitive disadvantage with competitors in the same industry.

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

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

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

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

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

(kkkk) "Self-monitoring." Sampling and analysis of wastewater performed by the user.

(llll) "Sewer." A pipe or conduit for carrying sewage and other waste liquids.

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

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

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

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

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

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

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

(pppp) "Significant non-compliance." Criteria used by the control and approval authorities to identify important violations and/or patterns of non-compliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. An industrial user is in

significant non-compliance if its violation(s) meets one (1) or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Table 18-202(4);

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

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

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

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

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

(vii) Failure to accurately report non-compliance;

(viii) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(qqqq) "Significant violation." A violation which remains uncorrected forty-five (45) days after notification of non-compliance; or which is part of a pattern of non-compliance over a twelve (12) month period; or which involves a failure to accurately report non-compliance;

or which results in the POTW exercising its emergency authority under 40 C.F.R. 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).

(rrrr) "Sludge" or "sewage sludge." The solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a POTW. Sludge includes, but is not limited to, scum or solids removed in primary, secondary or advanced wastewater treatment processes as well as any material derived from sewage sludge. Sludge does not include grit and/or screenings generated during preliminary treatment.

(ssss) "Slug discharge." Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch discharge.

(tttt) "Slug control plan." A plan to control slug discharges, which shall include, as a minimum:

(i) Description of discharge practices, including non-routine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a discharge prohibition under this chapter, or 40 C.F.R. 403.5(b) with procedures for follow-up written notification within five (5) days;

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading 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.

(uuuu) "State." The State of Tennessee Department of Environment and Conservation.

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

(wwww) "Storm sewer" or "storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the mayor or his representative.

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

(yyyy) "Surcharge." A fee charged to users in excess of the normal sewer use charge to cover the additional expenses incurred by the POTW for treatment of compatible pollutants of a higher concentration than the

POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

(zzzz) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(aaaaa) "Technical Review Criteria (TRC) violation." The term used to describe violations of a wastewater discharge permit when:

(i) The limit for BOD, total suspended solids, ammonia-nitrogen, or fats, oils and grease is exceeded by forty percent (40%) for thirty-three percent (33%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month rolling quarter period covered by the semi-annual report required by the approval authority; or

(ii) The limit for any other pollutant, except pH, is exceeded by twenty percent (20%) for thirty-three percent (33%) or more of the total industrial self-monitoring plus control authority compliance monitoring measurements made in the six (6) month period covered by the semi-annual report required by the approval authority.

(bbbbb) "Termination of service." A physical blockage of the sewer connection to a non-compliant user or issuance of a formal notice of termination to the user.

(ccccc) "Testimony." A solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

(ddddd) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(eeee) "Unpolluted water or waste." Any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving water; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

(ffff) "User." Any customer who contributes, causes or permits the contribution of wastewater into the city's POTW.

(ggggg) "Wastewater." The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(hhhhh) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation

systems, drainage systems and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(iiii) "Wastewater discharge permit." As set forth in § 18-205(3) of this chapter.

(3) **Abbreviations.** The following abbreviations shall have the designated meanings:

- (a) BOD₅ - Five (5) day Biochemical Oxygen Demand.
- (b) C.F.R. - Code of Federal Regulations.
- (c) COD - Chemical Oxygen Demand.
- (d) CWA - Clean Water Act.
- (e) EPA - Environmental Protection Agency.
- (f) l - Liter.
- (g) mg - Milligrams.
- (h) mg/l - Milligrams per liter.
- (i) NPDES - National Pollutant Discharge Elimination System.
- (j) POTW - Publicly Owned Treatment Works.
- (k) SIC - Standard Industrial Classification.
- (l) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et seq.*
- (m) TSS - Total Suspended Solids.
- (n) U.S.C. - United States Code. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-202. Discharge regulations. (1) **General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. No pollutant shall be discharged which creates a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty degrees (140°) F or sixty degrees (60°) C using the test methods specified in 40 C.F.R. 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

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

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

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

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Clean Water Act, or federal or state criteria applicable to the sludge management method being used.

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

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

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds sixty-five degrees (65°) C (one hundred fifty (150°) F) or cause the influent of the wastewater treatment plant to exceed forty degrees (40°) C (one hundred four (104°) F) unless the POTW treatment plant is designed to accommodate such temperature.

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

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

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

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

(n) Any wastewater containing fats, wax, grease, petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between zero degrees (0°) C (thirty-two degrees (32°) F) and forty degrees (40°) C (one hundred four degrees (104°) F) and/or cause interference or pass-through at the POTW treatment plant.

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

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

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

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

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

(2) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The affected users shall come into compliance with said limitations by the date specified by the federal regulation.

(3) Modification of federal categorical pretreatment standards. Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the control authority may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of (title 40 of the Code of Federal Regulations, part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The control authority may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R., part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(4) Limitations on wastewater strength. No person or user shall discharge wastewater to the POTW in excess of the concentration set forth in Table 18-202(4) unless:

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

(b) The wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in Table 18-202(4) within a fixed period of time.

TABLE 18-202(4)
Limits on Wastewater Discharged by Users

Parameter	Maximum Allowable Concentration 24-Hour Flow Proportional Composite Sample (mg/l)	Maximum Allowable Instantaneous Concentration in Grab Sample (mg/l)
Aluminum	50.0	75.0
Arsenic	1.00	2.00
Cadmium	0.4241	0.6362
Chromium, total	3.5400	5.3100
Copper	3.6100	5.4150
Cyanide	5.000	7.5000
Lead	1.4000	2.1000
Mercury	0.0010	0.0015
Nickel	2.6939	4.0409
Silver	0.2714	0.4071
Zinc	3.6100	5.4150
Benzene	0.1800	0.2700
Carbon tetrachloride	0.2100	0.3150
Chloroform	3.1900	4.7850
Ethyl benzene	0.5800	0.8700
Methylene chloride	1.4100	2.1150
Naphthalene	0.1476	0.2214
Phenols, total	6.6900	10.0350
Phthalates, total	5.8900	8.8350
Tetrachloroethylene	2.0400	3.0600
Trichloroethylene	1.4700	2.2050
Toluene	1.8005	2.7008
1,1,1-Trichloroethane	3.6700	5.5050
1,2-Transdichloroethylene	0.1000	0.1500

Any user discharging wastewater having pollutants in excess of the concentrations listed above may be subject to fines and/or other enforcement actions as outlined in § 18-208 hereinafter.

(5) Criteria to protect the treatment plant influent. No person or user shall discharge any waters or wastes which cause the wastewater arriving at the treatment facility to exceed any of the concentration limits shown in Table 18-202(5) hereinafter. Users may be subject to reporting and monitoring requirements for all or a part of these parameters.

The control authority shall monitor the treatment works influent for the parameters in Table 18-202(5). In the event that the influent at the treatment

works reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city council such remedial measures as are necessary, included, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

TABLE 18-202(5)
Protection Limits at Treatment Works Influent

Parameter	Maximum Allowable Concentration 24-Hour Flow Proportional Composite Sample (mg/l)	Maximum Allowable Instantaneous Concentration in Grab Sample (mg/l)
Aluminum	5.00	7.50
Arsenic	0.2000	0.3000
Cadmium	0.0121	0.0182
Chromium, total	0.2500	0.3750
Copper	0.2500	0.3750
Cyanide	0.3400	0.5100
Iron	5.00	7.50
Lead	0.1000	0.1500
Mercury	0.0010	0.0015
Nickel	0.0935	0.1403
Silver	0.0075	0.0113
Zinc	0.1096	0.1644
Benzene	0.0130	0.0195
Carbon tetrachloride	0.0150	0.0225
Chloroform	0.2237	0.3356
Ethyl benzene	0.0286	0.0429
Methylene chloride	0.0962	0.1443
Naphthalene	0.0045	0.0068
Phenols, total	0.2174	0.3261
Phthalates, total	0.2625	0.3938
Tetrachloroethylene	0.0926	0.1389
Trichloroethylene	0.0909	0.1364
Toluene	0.0500	0.0750
1,1,1-Trichloroethane	0.2000	0.3000
1,2-Transdichloroethylene	0.0045	0.0068

(6) Compatible pollutants. The POTW treatment plant was designed to treat specific waste load concentrations and mass loading of certain compatible pollutants, which include five (5) day Biochemical Oxygen Demand (BOD₅), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Settleable Solids (SS), Total Dissolved Solids (TDS) and ammonia-nitrogen (NH₃-N). If a user discharges concentrations or mass loadings of compatible pollutants which exceed the limits set forth in the wastewater discharge permit, added operation and maintenance costs will be incurred by the POTW, and this additional cost may be passed on to the user through surcharges for excess compatible pollutants. Surcharges shall be established by the control authority based on the cost to treat the excess compatible pollutants. The control authority reserves the right to establish maximum allowable discharge limits for compatible pollutants in order to protect the POTW treatment plant and to revise surcharges based on changes in operating costs.

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

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

(9) Dilution of discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. The combination of process wastes and domestic wastes prior to discharge is not considered dilution.

(10) Slug discharges. (a) Protection from slug discharges. Each user shall provide protection from slug discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent slug discharge of prohibited material shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review, and shall be approved by the control authority before construction of the facility. All existing users shall complete such a plan within one hundred eighty (180) days from the effective date of the ordinance comprising this chapter. No user who commences contribution to the POTW after the effective date of the ordinance comprising this chapter shall be permitted to introduce pollutants into the system until a slug discharge control plan has been approved by the control authority. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting potential for a slug discharge.

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

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

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

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

If the industrial user discharges more than one hundred (100) kilograms of such wastes per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of such constituents discharged during that calendar month, and an estimate of the mass and concentration of such constituents expected to be discharged during the following twelve (12) months.

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

Industrial users are exempt from notification requirements during a calendar month in which they discharge no more than fifteen (15) kilograms of

hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tennessee Rule 1200-1-11-.02(4)(a) and (4)(d).

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

If notification is required, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

(13) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as it deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefore. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-203. Private sewage disposal and holding tank waste disposal.

(1) Private sewage disposal systems. Where any residence, office, recreational facility or other establishment used for human occupancy is not accessible to the POTW, the user shall provide a private sewage disposal system. Where any residence, office, recreational facility or other establishment used for human occupancy has the building drain located below the elevation necessary to obtain a sufficient grade in the building sewer, but is otherwise accessible to the POTW, the owner shall provide a private on-site sewage pumping station subject to review and approval by the control authority.

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

Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Blount County Environmental Health Department and the City of Maryville, and must be inspected and approved by an authorized representative of the city manager.

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

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

(3) Other holding tank waste. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the control authority and the Solids Waste Disposal Act (42 U.S.C. 6901, et seq.). Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank, provided such discharge is made into an approved facility designed to receive such waste.

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

or holding tank wastes to the POTW shall pay appropriate fees to be established as specified under § 18-204.

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

(6) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of the disposal permit by the control authority. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the POTW. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-204. Charges and fees. (1) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the program established herein and to provide a schedule of charges and fees which will enable the city to comply with the revenue requirements of section 204 of the Clean Water Act. Specific charges and fees shall be adopted by a separate ordinance; this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs and capital improvements may be assessed by the city. These charges and fees shall be recovered through the user classification established hereinafter. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

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

- (a) User classification charges;
- (b) Fees for monitoring requested by a user;
- (c) Fees for permit application;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fee for use of garbage grinders;
- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative costs related to the pretreatment program;
- (i) Fees for monitoring, inspection and surveillance procedures;

(j) Fees for reviewing slug discharge prevention procedures and construction;

(k) Fees for allowing connection of building sewers to the POTW;

(l) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;

(m) Other fees as the control authority may deem necessary to carry out the requirements of this chapter.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-205. Administration. (1) Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Maryville or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred feet (300') of the building drain as defined herein.

(2) Wastewater dischargers require permit. It shall be unlawful to discharge to the POTW any wastewater except as authorized by the control authority in accordance with the provisions of this chapter.

(3) Wastewater discharge permits. (a) General permits. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater

discharge permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Permit application. Users required to obtain a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority accompanied by any application fee that may be required. Existing significant industrial users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the significant industrial user may be required to submit all or some of the following information, in units and terms appropriate for evaluation;

(i) Name, address, and location (if different from the address);

(ii) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(iii) Measurement of pollutants:

(A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

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

(C) Instantaneous, daily maximum, long-term average concentrations or mass loading, where required, including daily, monthly and seasonal variations, if any;

(D) Wastewater constituents and characteristics representative of daily operations including, but not limited to, those mentioned in § 18-202 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

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

(v) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding

whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the significant industrial user to meet applicable pretreatment standards;

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

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in subsection (1) shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

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

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

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

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

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

(c) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a significant industrial user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 18-205(3), the significant industrial user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the significant industrial user with an existing wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (viii) and (ix) of § 18-205(3)(b).

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provision of this chapter, EPA's pretreatment standards and regulations promulgated under the authority of section 307(b) and (c) of the Federal Water Pollution Control Act (as provided for in 40 C.F.R. 403.8(f)(1)(iii), and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (i) Statement of duration (five (5) years or less);
- (ii) Statement of non-transferability;
- (iii) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (iv) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (v) All wastewater samples must be representative of the user's discharge;
- (vi) Limits on the average and maximum wastewater constituents and characteristics;
- (vii) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (viii) Requirements for installation and maintenance of inspection and sampling facilities;
- (ix) Specifications and best management practices for monitoring programs which may include sampling locations,

frequency of sampling, number, types and standards for tests and reporting schedule;

(x) Compliance schedule;

(xi) Requirements for maintaining and retaining records relating to wastewater discharge and best management practices as specified by the control authority for a period of at least three (3) years, and affording the control authority access thereto. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the city's POTW or when requested by the TDEC or EPA;

(xii) Requirements for submission of technical reports or discharge reports (see § 18-205(4));

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

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

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

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification of the control authority during the term of the permit as limitations or requirements as identified in § 18-202 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or user shall receive a copy of and also comply with the terms and conditions of the existing permit.

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

Users described above shall submit the information set forth below.

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

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

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

(iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula in accordance with 40 C.F.R. 403.6(e).

(v) Measurement of pollutants.

(A) The user shall provide the information required in § 18-205(3)(b)(iii);

(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 wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority;

(D) Sampling and analysis shall be performed in accordance with § 18-205(4)(c)(iii);

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

(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.

(vi) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-201(2) 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.

(vii) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-205(3)(b)(ix) of this chapter.

(viii) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-205(4) and signed by an authorized representative as defined in § 18-201(2).

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

these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed and certified by an authorized representative of the user.

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

(ii) The control authority may impose mass limitation on users which the control authority has reason to believe are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the periodic compliance report required by subsection (i) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit.

(iii) All analyses shall be performed in accordance with procedures established by the administrator pursuant to

section 304(g) of the Act and contained in 40 C.F.R., part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the administrator.

(d) Permit limit violations. If sampling performed by a user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis for the parameter(s) violated and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. The user shall also provide written notice of the violation within five (5) days of becoming aware of the violation.

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. 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.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the control authority.

(6) Inspection and sampling. The control authority shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the control authority or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination

or in the performance of any of their duties. The control authority, state, and EPA shall have the right to set up on the user's property such devices as are necessary for them to conduct sampling inspections, compliance monitoring and/or metering operations.

The control authority will establish those pollutants to be sampled, at the user's expense, at the prescribed minimum frequency shown in the user's permit. The user must collect samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 C.F.R. part 136 as amended. Where 40 C.F.R. part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analytical Procedures for Screening of Industrial Effluents for Priority Pollutants," dated April, 1977 and amended thereto, or with any other sampling and analytical procedures approved by the administrator. The user shall submit monitoring reports to the control authority of those priority pollutants to be sampled at the frequency prescribed in the wastewater contribution permit. The results of any and all sampling of the user's discharge shall be reported, including sampling which exceeds the required minimum frequency. Failure to comply with these requirements may result in enforcement action as set forth in § 18-207.

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

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

(7) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the control authority shall be provided, operated and maintained at the user's expense. Detailed plans prepared by a professional engineer registered in the State of Tennessee showing the pretreatment facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the control authority under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the city, EPA or state upon request.

(8) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

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

(9) Public notification. In compliance with 40 C.F.R. part 403.8, the control authority must annually publish in the local newspaper a list of industrial users which, during the previous twelve (12) months, were in

significant non-compliance with the pretreatment program requirements. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-206. Building sewers and connections. (1) Building sewer permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW or appurtenances thereof. Authorization may be obtained from the control authority upon review of pertinent plans and payment of the appropriate fees.

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

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

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

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

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

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

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

All building connections and maintenance shall be subject to the currently adopted version of the plumbing code as amended by the City of Maryville and the Rules, Regulations, Rates and Policies of the City of Maryville Water Quality Control Department. The Rules, Regulations, Rates and Policies of the City of Maryville Water Quality Control Department are available through the water quality control department and on file with the State of Tennessee. In cases of conflict the stricter requirements shall rule. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-207. Grease, oil and sand traps and separators. (1) General requirements. Gravity-type separators, interceptors or other such devices for the removal of oil, grease, sand, grit, glass, entrails or other such material likely to create or contribute to a blockage of the wastewater collection system or otherwise interfere with the operation of the POTW are required at commercial sources as described in ordinance 2007-13 of the Maryville Municipal Code, where required by the plumbing code or where required by other ordinance or regulation of the City of Maryville. Such devices shall be of a type and capacity approved by the control authority and shall be located as to be readily and easily accessible for cleaning, pumping and inspection.

(2) Design, review and approval of traps and separators. During the site plan review conducted by the City of Maryville personnel of proposed commercial and industrial developments, the need for traps or separators will be determined. If a trap or separator is required, detailed plumbing plans shall be submitted to the control authority prior to commencement of construction.

Minimum grease trap size shall be one thousand (1,000) gallons.

All grease traps shall meet design criteria as described in Rules, Regulations, Rates and Policies Manual. Persons wishing to install precast concrete septic tanks or concrete tanks shall submit to the control authority design drawings. A field inspection shall be required to ensure the installation complies with the approved drawings and adequate baffling was installed.

(3) Exemptions. Commercial sources in operation prior to January 19, 1993 are excluded from the minimum requirements of this section, but shall be required to install and maintain a gravity-type separator, interceptor or other such device at the kitchen sink for removal of oil and grease. Such devices shall be the largest type available that will fit under the sink and shall not be connected to any dishwashers. Such devices will be allowed to remain in service until such time as the control authority determines the device is not preventing prohibited substances from entering the POTW or the device is not being maintained with adequate frequency. If the control authority makes such a determination, the establishment shall install a device in full compliance with this section.

(4) Maintenance of traps and separators. It shall be the duty of every establishment required to have traps or separators to maintain the devices, have the devices pumped whenever the level of grease or other substance has reached the top of the effluent pipe from the device, or when it appears to the control authority that prohibited substances are leaving the device and are being discharged into the POTW.

Each establishment is required to maintain a maintenance log with an original copy of the manifest on all traps and separators. The log shall show the date of all cleanings, the name of the person and organization performing the cleaning and the disposition of the removed substances. The establishment must obtain a manifest confirming the pumping, hauling, and disposal of waste from the hauler. The maintenance log and manifests shall be available during business hours for examination by the control authority and copies shall be submitted to the control authority quarterly (by February 15, May 15, August 15, and November 15). Failure to comply with the reporting requirements shall be deemed a violation of this chapter of the Maryville Municipal Code.

(5) Disposal of trap and separator wastes. Acceptable disposal options for the wastes removed from traps and separators include recycling collectors and trash disposal or commercial collectors. Disposal methods shall comply with all state and local regulations.

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

(7) Charges and fees. Users required to install and maintain a gravity-type separator, interceptor or other such device shall be subject to an annual fee as required by ordinance 2007-13, as amended, of the Maryville

Municipal Code. All fees will appear on the user's utility bill. In the event that the user fails to pay the fee, water service shall be terminated until such time as all fees and any other charges, including late charges, have been paid.

(8) Violations. Any person who willfully or negligently violates any provision of this section or any orders or permits issued hereunder shall be subject to enforcement action as set forth in § 18-208 herein. (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

18-208. Enforcement. (1) Enforcement policy. All enforcement actions taken by the control authority against users that are in violation of this chapter shall be in accordance with the City of Maryville's Pretreatment Enforcement Response Plan, as adopted and amended by the Maryville City Council, and with Tennessee Code Annotated, §§ 69-3-123 through 69-3-129, from which the authority for such action is derived.

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

(b) Consent orders. The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the non-compliance. Such orders will include specific action to be taken by the user to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-207(2)(d) and (e), below.

(c) Show cause hearing. The control authority may order any user who causes or allows an unauthorized discharge to enter the POTW or contributes to violation of this chapter or wastewater permit or order issued hereunder to show cause before the hearing authority why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting to be held by the hearing authority regarding the violation, the proposed enforcement action and the reasons for such action, and directing the user to show cause before the hearing authority why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least

ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

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

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

At any hearing held pursuant to this chapter, testimony taken shall be under oath and may, at the request of either party, be recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

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

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

(d) Compliance order. In accordance with Tennessee Code Annotated, § 69-3-123, when the control authority finds that a user has violated an order of the control authority or willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, an order may be issued to the user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the

non-compliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

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

(i) Comply forthwith;

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

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

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

Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any

individuals. The control authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, unless the termination-proceedings set forth in § 18-207(2)(h) are initiated against the user.

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

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

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

(3) **Judicial remedies.** (a) **Legal action.** If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system, in any other way violates this sewer use chapter or its industrial wastewater discharge permit, contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the control authority, the control authority, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the chancery court for the county in which the violation occurred.

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

(c) **Civil penalties.** (i) Any user who is found to have violated an order of the control authority or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued hereunder, shall be fined not more than ten thousand dollars (\$10,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a

separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

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

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

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

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

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

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

(4) Supplemental enforcement remedies. (a) Annual publication of significant violations. The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall be applicable to all significant industrial users which are found to be in significant violation in accordance with § 18-205(9) of this chapter.

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

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

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

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

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

- (5) Affirmative defenses. (a) Treatment upsets. (i) Any user which experiences an upset in operations that places it in a temporary state of non-compliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless and improper operation, shall inform the control authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report shall be filed by the user within five (5) days. The report shall contain:
- (A) A description of the upset, its cause(s), and impact on the discharger's compliance status;
 - (B) The duration or expected duration of non-compliance, including exact dates and times of non-compliance, and, if the non-compliance is continuing, the time by which compliance is reasonably expected to be restored;
 - (C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.
- (ii) A user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the control authority for any non-compliance with this chapter, or any order or permit issued hereunder to the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.
- (b) Treatment bypasses. (i) A bypass of the treatment system or any portion thereof is prohibited unless all of the following conditions are met:
- (A) The bypass was unavoidable in order to prevent loss of life, personal injury or severe property damage;
 - (B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
 - (C) The user properly notified the control authority as described in § 18-207(5)(b)(ii) below.
- (ii) Users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and

prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(iii) A user may request approval of the control authority for a bypass which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating such a bypass must submit notice to the control authority at least ten (10) days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-207(5)(b)(i). (Ord. #99-5, Jan. 1999, as replaced by Ord. #2012-10, April 2012)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Regulations.
- 18-303. Approved backflow prevention assemblies.
- 18-304. Installation and maintenance requirements for backflow prevention assemblies.
- 18-305. Fire protection systems.
- 18-306. Lawn irrigation systems.
- 18-307. Assembly evaluations and testing.
- 18-308. Existing assemblies.
- 18-309. Additional water source.
- 18-310. Plumbing.
- 18-311. Corrections of violations.
- 18-312. Fees.
- 18-313. Penalty.

18-301. Definitions. The following definitions are adopted in this chapter:

(1) "City." The City of Maryville, Department of Water Quality Control.

(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 a building in such a manner that a flow of water into the water supply is possible either through the manipulation of valves, ineffective check or back pressure valves or because of any other arrangement.

(3) "Interconnection." Any system of piping or other arrangement whereby the city's water supply is connected directly with a sewer, drain, conduit or other device, which does carry or may carry sewage.

(4) "Hazard assessment." A detailed inspection of the facilities within a water customer's plumbing system. (1985 Code, § 8-301, as replaced by Ord. #2013-27, Dec. 2013)

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

The regulations in this chapter are recommended by the Tennessee Department of Health for adoption by cities.

18-302. Regulations. Under no circumstances will a cross-connection, auxiliary intake, bypass, or interconnection be allowed unless approved by the city upon proof of compliance with the criteria set forth by the Tennessee Department of Environment and Conservation, Division of Water Supply and the provisions of this chapter. All commercial cross-connections will require backflow prevention assembly installation.

Authorized employees of the City of Maryville, with proper identification, shall have free access to all areas of a premise or building to which potable water is supplied for the purpose of conducting hazard assessments.

If a customer refuses access to their premises, the plumbing system shall be classified as a high hazard connection and appropriate protection shall be required at the service connection based on potential health hazards in accordance with regulations of the Tennessee Department of Environment and Conservation, Division of Water Supply. In this event the city will give the customer twenty-four (24) hours to allow access to their facility prior to such action being taken. Customers who do not comply to provide timely access within the time limit set forth shall have all water services terminated until compliance is met. (1985 Code, § 8-302, as replaced by Ord. #2013-27, Dec. 2013)

18-303. Approved backflow prevention assemblies. (1) All backflow prevention assemblies used in the corporate limits and/or in the city's water system shall be fully approved and listed as acceptable by the Tennessee Department of Conservation, Division of Water Supply as to manufacturer, model, size, application, orientation and alterations. The assembly shall have a status of "passed" determined by performance evaluations to suffice as an approved backflow prevention assembly.

(2) There are three (3) categories for hazards for potential cross-connections:

- (a) Health hazards;
- (b) Non-health hazards;
- (c) Fire safety.

Reduced pressure principle assembly may be used for health hazards and non-health hazards. Double check valve assemblies may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

(3) The following assemblies will meet recommendations and requirements for protection of the water system, depending on the degree of hazard:

- (a) Reduced pressure principle assembly;
- (b) Reduced pressure principle detector assembly;
- (c) Double check valve assembly; and
- (d) Double check valve detector assembly. (1985 Code, § 8-303, as replaced by Ord. #2013-27, Dec. 2013)

18-304. Installation and maintenance requirements for backflow prevention assemblies. Acceptable installation of backflow prevention assemblies shall meet the criteria of the State of Tennessee and the following requirements:

(1) All backflow prevention assemblies installed on fire protection systems must be performed by person(s) possessing a fire sprinkler contractor license.

(2) All assemblies shall be installed in accordance with the manufacturer's installation instructions and by the State of Tennessee's installation guide unless such instructions are in conflict with the ordinance set forth by the city, in which case the city ordinance shall control. All assemblies shall possess all test cocks and fittings required for testing the assembly.

(3) Reduced pressure principle backflow prevention assemblies installed inside a premises shall be located so that the relief valve discharge port is a minimum of twenty-four inches (24"), plus nominal diameter of the supply line, above the finished floor level. The maximum height above the finished floor level shall not exceed seventy-two inches (72") and be positioned where discharge from a relief port will not create any adverse or undesirable conditions.

(4) Any backflow prevention assembly(s) installed inside a premises (i.e., basements, closets, fire riser rooms, mechanical rooms, etc.) shall have adequate lighting to provide for inspections and/or repairs.

(5) Backflow prevention assemblies installed outside a premises (i.e., irrigation devices, domestic assemblies located outside a facility or fire protection system assemblies) shall be located so that the relief valve discharge port of reduced pressure principle backflow prevention assemblies or lowest point of double check valve assemblies is a minimum of fourteen inches (14"), plus nominal diameter of the supply line, above the finished grade level/surface. The maximum height above the finished grade level shall not exceed seventy-two inches (72").

(6) All reduced pressure principle backflow assemblies installed inside a premises shall have adequate drainage and be equipped with a drain line from the relief valve that is a minimum of two (2) times the nominal diameter of the supply line of the backflow assembly.

(7) Clearance from wall surfaces or other obstructions for backflow prevention assemblies shall be a minimum of six inches (6"). However, if a person must enter an enclosure to repair or test, the minimum distance shall be twenty-four inches (24").

(8) Backflow prevention assemblies devices shall be adequately protected from freezing, vandalism, theft, and mechanical abuse, overgrowth of vegetation and from any corrosive, sticky, greasy, abrasive or other damaging substances.

(9) Backflow prevention assemblies devices shall be accessible to the city at all times. Assemblies shall not be installed in areas such as locked

enclosures, fenced areas, backyards, pool houses, garages, under decks, porches, or in heavy shrubbery that could be damaged due to the testing process.

(10) An approved air gas shall separate the relief port from any drainage system. Such air gap shall not be altered without the specific approval of the city.

(11) Backflow prevention assemblies devices shall be located in an area free from submergence or flood potential and cannot in any circumstances be located in a pit or hole.

(12) All backflow prevention assemblies devices shall be adequately supported to prevent sagging or swaying.

(13) An approved strainer shall be installed immediately upstream of all backflow prevention assemblies or shutoff valve, except on fire lines, using only noncorrosive fittings in the device's assembly.

(14) Where the use of water is critical for the continuance of normal operations, the protection of life, property and/or equipment, including but not limited to, apartment or residential housing buildings, barber shops or beauty salons with four (4) or more chairs, dental or medical facilities, multi-tenant buildings served by a single water service line or restaurants, duplicate backflow prevention assemblies shall be provided to avoid the necessity of discontinuing water service to test or repair the backflow prevention assembly(s).

(15) A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging.

(16) Fire hydrant drains/weep holes shall not be connected to the sanitary sewer.

(17) Full-open valves, followed by a drain plug, shall be installed on the supply line of every irrigation system whether supplied off the customer's main domestic service line or by its own separate city public water supply meter prior to the irrigation backflow prevention assembly.

(18) Full-open valves shall also be installed on the discharge side of every irrigation backflow prevention assembly and must meet all requirements set forth in the city's "Rules, Regulations, Rates and Policies" manual.

(19) Where compressed air is used to winterize irrigation systems, proper fittings must be installed downstream of the irrigation backflow prevention assembly for that purpose.

(20) Irrigation backflow prevention assemblies must be installed and have water service up to the number two shutoff valve of the assembly, whether or not the irrigation system is activated or in use, no later than May 1st of each year and remain in service until September 30th of each year to allow for required annual inspection and testing of the backflow prevention assembly.

Irrigation systems with backflow prevention assemblies not installed or not in service during said period will be viewed as a failure of the annual inspection.

(21) Installation shall be at the sole expense of the owner or occupant of the premises. (1985 Code, § 8-304, as replaced by Ord. #2013-27, Dec. 2013)

18-305. Fire protection systems. (1) An approved backflow prevention assembly shall be installed on each fire service line at the property line where possible. Alternatively, the approved backflow prevention assemblies shall be installed immediately inside the building served before the first branch line leading off the service line.

(2) Class 1, 2 and 3 fire protection systems shall require at minimum a double check valve assembly.

(3) Class 4, Class 5, Class 6 fire protection systems shall require an air gap or a reduced pressure principle assembly as determined by the city.

(4) Where a fire sprinkler system is installed on the premises, a minimum of a double check valve assembly shall be required.

(5) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle assembly shall be required.

(6) In any premises with an auxiliary water supply for fire protection, the city's public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

(7) In the case of any premises where toxic substances are used for fire protection that could pose an undue health hazard, the city may require an air gap separation or reduced pressure principle assembly at the service connection to protect the city's public water system. (1985 Code, § 8-305, as replaced by Ord. #2013-27, Dec. 2013)

18-306. Lawn irrigation systems. (1) For all public water systems to protect their distribution system, lawn irrigation systems will be protected by a reduced pressure principle assembly or reduced pressure principle detector assembly.

(2) Double check valves cannot be used for lawn irrigation systems for either public or well water systems. (1985 Code, § 8-306, as replaced by Ord. #2013-27, Dec. 2013)

18-307. Assembly evaluations and testing. (1) All backflow prevention assemblies used to protect the city's public water supply system must be inspected and tested on every new and repaired assembly before its acceptance by the city and before use.

(2) All backflow prevention assemblies must be tested no less than once every twelve (12) months or more often as deemed necessary by the city.

(3) All backflow prevention assemblies will be tested by persons possessing a valid Certification of Competency in Testing and Evaluation of

Backflow Prevention Assemblies issued by the Tennessee Department of Conservation, Division of Water Supply and using a valid test kit certification.

(4) Proof of annual test kit certifications and tester's certifications must be sent with each test report submitted to the city. Test reports must be compiled and accurately documented.

(5) If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly shall be deemed as "failed." Should conditions around the assembly not allow the assembly to be tested, the assembly shall be deemed as "failed."

(6) Documentation of backflow prevention assemblies, along with any assembly's location, make, model, size and serial number will be maintained by the city. If an existing assembly is replaced, the city shall be notified so that initial testing and documentation can be completed to ensure the protection of city's public water supply system. (1985 Code, § 8-307, as replaced by Ord. #2013-27, Dec. 2013)

18-308. Existing assemblies. (1) All backflow prevention assemblies which were installed prior to the adoption of the ordinance comprising this chapter and which met with the standards of the Tennessee Department of Conservation, Division of Water Supply, may at the sole discretion of the city, remain in service. However if the condition of the assemblies constitutes a health hazard or replacement is required of the assembly, such assembly will be brought up to current requirements as set forth in this chapter.

(2) Location or space requirements shall not be cause for re-location or replacement of any backflow prevention assembly that is installed as of the date of the adoption of the ordinance comprising this chapter so long as the location or spacing of the backflow assembly is installed in a safe location for testing and inspection purposes. (1985 Code, § 8-308, as replaced by Ord. #2013-27, Dec. 2013)

18-309. Additional water source. Any person whose premises are supplied with water from the city's public water system who also has on the same premises a separate source of water, such as a well or an uncovered or unsanitary storage reservoir where water is circulated through a piping system, shall have the city's water source protected with an approved backflow prevention assembly. (1985 Code, § 8-309, as replaced by Ord. #2013-27, Dec. 2013)

18-310. Plumbing. Prior to any new installation(s), alteration(s) or change(s) of any backflow prevention assembly connected to the city's public water supply, fire protection or any other purpose, a cross-connection permit from the city is required. (1985 Code, § 8-310, as replaced by Ord. #2013-27, Dec. 2013)

18-311. Corrections of violations. (1) Where cross-connections, auxiliary intakes, bypasses, interconnections, or failed assemblies are in violation of this chapter, the premises shall be classified as a high risk hazard. The customer will be given a time certain by which to come into compliance.

(2) Failure to maintain a backflow prevention assembly or the removal, bypass or alteration of a protective device or installation without the approval of the city, shall be cause for the denial, discontinuance, or termination of water service. The city shall give the customer written notification within five (5) business days that water services are to be discontinued. If necessary, the public water system shall be physically separated from the customer's system at the customer's expense to be added to the customer's water bill.

(3) Any repairs to backflow prevention assemblies shall be inspected and/or tested by persons possessing a certification of competency in testing and evaluation of backflow prevention assemblies.

(4) All expenses relating to correction of violations shall be borne by the utility customer. (as added by Ord. #2013-27, Dec. 2013)

18-312. Fees. A fee shall be assessed for all backflow prevention assemblies requiring inspection or testing by the city's public water supply system, as well as for the disconnection and/or re-connection of water service for non-compliance with the provisions of this chapter. The amount of these fees shall be set and adjusted from time to time by the council of the City of Maryville to reflect the cost of providing an effective cross-connection control program. (as added by Ord. #2013-27, Dec. 2013)

18-313. Penalty. Any person who fails to comply with any of the provisions of this chapter shall be subject to the general penalty clause of the city for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. The city may further resort to a court of equity to require compliance with this chapter. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and any and all other expenses of litigation by appropriate suit at law or in equity against the violator of this chapter. (as added by Ord. #2013-27, Dec. 2013)

CHAPTER 4

[MOVED TO TITLE 19 CHAPTER 5.]¹

¹Rules, rates, and charges for the stormwater utility service was moved in conjunction with Change 8, April 1, 2008.

CHAPTER 5

[MOVED TO TITLE 19 CHAPTER 6.]¹

¹Stormwater discharges was moved in conjunction with Change 8, April 1, 2008.