

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWER USE ORDINANCE.
4. USER CHARGE SYSTEM.
5. SEWAGE AND HUMAN EXCRETA DISPOSAL.
6. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Service connections and tap fees.
- 18-107. Water and sewer main extensions.
- 18-108. Water and sewer main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1984 Code, § 13-101)

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

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

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

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

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

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1984 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1984 Code, § 13-103)

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

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1984 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1984 Code, § 13-105)

18-106. Service connections and tap fees. Service lines will be laid by the municipality from its mains to the property line at the expense of the city. The location of such lines will be determined by the municipality.

Before a new water or sewer service line will be laid by the municipality, the applicant shall pay such tap fee as may have been prescribed by the city commission.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1984 Code, § 13-106)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the governing body), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the city commission) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the city commission shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1984 Code, § 13-108)

18-108. Water and sewer main extension variances. Whenever the city commission is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city commission.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1984 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1984 Code, § 13-110)

18-110. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

Meter Size	Test Charge
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1984 Code, § 13-111)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1984 Code, § 13-113)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

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

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving

at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

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

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1984 Code, § 13-114)

18-113. Discontinuance or refusal of service. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

The right to discontinue service shall apply to all services received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to

testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1984 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of five dollars (\$5.00) shall be collected by the municipality before service is restored. (1984 Code, § 13-116)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1984 Code, § 13-117)

18-116. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1984 Code, § 13-118)

18-117. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water

and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1984 Code, § 13-119)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1984 Code, § 13-120)

18-119. Customer's responsibility for violations. Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1984 Code, § 13-121)

18-120. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (1984 Code, § 13-122)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1984 Code, § 13-123)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations.

When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence.

In addition, all hydrants not capable of producing a flow of 500 GPM while providing a minimum residual pressure of 20 PSI at all points along the line shall be painted yellow. Pumper type fire trucks shall not be allowed to connect to any hydrant which is unable to produce a flow of 500 GPM while maintaining a minimum residual pressure of 20 PSI at all points along the line. (1984 Code, § 13-124)

18-123. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1984 Code, § 13-125)

18-124. Liability for cutoff failures. The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1984 Code, § 13-126)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1984 Code, § 13-127)

18-126. Interruption of service. The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1984 Code, § 13-128)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (1984 Code, § 13-112)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 2**SUPPLEMENTARY SEWER REGULATIONS¹****SECTION**

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that 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 five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

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

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

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

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

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1984 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality, 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 or combined sewer of the municipality, 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1984 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1984 Code, § 13-203)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

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

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer

from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, 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 a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

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

(12) Sanitary sewer grinder pump requirements:

(a) Low pressure sewer system. Any residence requiring a grinder pump to connect to a City of Adamsville low pressure sewer main shall install a semi-positive displacement type pump, directly driven by a one (1) horsepower motor, and capable of delivering a minimum of nine (9) gpm at one hundred thirty-eight feet (138') TDH. Pump shall be as

manufactured by Environment/One, model 2010, or approved equal. (See copy of specifications attached hereto.)¹

Any commercial, industrial or public building requiring a grinder pump to connect to a City of Adamsville low pressure sewer main must submit specifications of their proposed pump and required appurtenances to the City of Adamsville Utility Director for approval before connecting to the city system.

(b) Gravity sewer system. Any residence requiring a grinder pump to connect to a City of Adamsville gravity sewer main shall install a semi-positive displacement type pump, directly driven, and capable of delivering a minimum of nine (9) gpm at a minimum of three (3) times the elevation change between the pump location and the receiving gravity sewer main.

Any commercial, industrial, or public building requiring a grinder pump to connect to a City of Adamsville gravity sewer main must submit specifications of their proposed pump and appurtenances to the City of Adamsville Utility Director for approval before connecting to the city system. (1984 Code, § 13-204, as amended by Ord. #03190701, March 2007)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

¹Specifications are available in the office of the city recorder.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150°)F (65°)C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment

of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharges to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, (above 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

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

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject

to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern. (1984 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1984 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipality employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1984 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1984 Code, § 13-208)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Abbreviations.
- 18-304. General discharge prohibitions.
- 18-305. Categorical pretreatment standards.
- 18-306. Modification of categorical pretreatment standards.
- 18-307. Wastewater discharge limitations.
- 18-308. Criteria to protect the POTW treatment plant influent.
- 18-309. State requirements.
- 18-310. Town's right of revision.
- 18-311. Excessive discharge.
- 18-312. Accidental discharge.
- 18-313. Connection to public sewers.
- 18-314. Prohibitions on storm drainage and ground water.
- 18-315. Unpolluted water.
- 18-316. Limitations on the use of garbage grinders.
- 18-317. Limitations on point of discharge.
- 18-318. Septic tank pumping, hauling, and discharge.
- 18-319. Holding tank waste.
- 18-320. On-site private wastewater disposal facilities.
- 18-321. Regulation of oil and grease discharge from commercial kitchens.
- 18-322. Fees.
- 18-323. Administration.
- 18-324. Enforcement.

18-301. Purpose and policy. (1) This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the Town of Adamsville, hereinafter known as the town, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, the Tennessee Water Quality Control Act of 1977, as amended, and the U.S. Environmental Protection Agency General Pretreatment Regulations found at 40 C.F.R., part 403.

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately

treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.

(2) This ordinance provides for the regulation of contributors to the municipal wastewater system through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires reporting by users, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(3) This ordinance shall apply to the town and to persons outside the town who are, by contract or agreement with the town, users of the town's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the control authority shall administer, implement and enforce the provisions of this ordinance. (1984 Code, § 13-2A01(1), as replaced by Ord. #2001-02110, July 2001)

18-302. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. 1251, *et seq.*; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation or his authorized representative.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

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

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

(4) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(5) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 C.F.R. part 136, method 405.1 including the use of a nitrification inhibitor.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with section 307 of the Act that apply to specified process wastewaters of particular industrial categories defined at 40 C.F.R. part 403.6 and at 40 C.F.R. chapter I, subchapter N.

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

(8) "Chronic violation." The term used to describe violations of an industrial 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 events, plus control authority compliance monitoring events in the six (6) month period covered by the semi-annual report required by the approval authority.

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

(10) "Control authority." The Public Works Director of the Town of Adamsville.

(11) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), fecal coliform bacteria, free oil and grease, and pH as defined at 40 C.F.R. part 401.16; and ammonia reported as nitrogen ($\text{NH}_3\text{-N}$) and organic nitrogen.

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

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

(14) "Environmental Protection Agency" or "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.

(15) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

(17) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b)(c) or (d) of the Act into the POTW (including holding tank waste discharged into the POTW).

(18) "Industrial user." A source of nondomestic wastewater. Any nondomestic source discharging pollutants to the POTW.

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

(20) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA). the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(21) "National pretreatment standard" or "pretreatment standard." Any regulation promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to the specific category of industrial users and provides limitations on the introduction of pollutants into POTWs. This term includes the prohibited discharge limits found at 40 C.F.R. part 403.5, including local limits.

(22) "National prohibited discharges." Prohibitions applicable to all users regarding the introduction of pollutants into POTWs set forth at 40 C.F.R. part 403.5.

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

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

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

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of any 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 will be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (b) or (c) of this section (23) hereinbefore, but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under § 18-302(23) has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under § 18-302(23).

(24) "National Pollution Discharge Elimination System (NPDES) permit." A permit issued pursuant to section 402 of the Act.

(25) "North American Industrial Classification System (NAICS)." A classification pursuant to the North American Industry Classification System issued by the Executive Office of the President, Office of Management and Budget, 1997.

(26) "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.

(27) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution measured using the standard procedure defined at 40 C.F.R. part 136, method 150.1.

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

(29) "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.

(30) "Pretreatment." 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.

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

(32) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(33) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

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

(35) "Significant industrial user." Any user of the POTW who:

- (a) Is subject to categorical pretreatment standards; or
- (b) Has a process wastewater discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
- (c) Has a flow or loading of conventional pollutants greater than five percent (5%) of the total flow or total conventional pollutant loading to the POTW treatment plant; or
- (d) Is found by the control authority, approval authority or the EPA to have a reasonable potential for significant adverse impact, either singly or in combination with other contributing industries on the POTW treatment plant, the quality of sewage sludge, the POTW effluent quality, or air emissions generated by the POTW treatment plant.

(36) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements (limits, sampling, analysis, reporting, compliance schedules and regulatory) which meet one (1) or more of the following criteria:

- (a) Violations of wastewater discharge units including:
 - (i) Chronic violations;
 - (ii) Technical Review Criteria (TRC) violations;
 - (iii) Any other violation(s) of an effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge as defined at 40 C.F.R. part 403.8(f)(1)(vi)(B).

(b) Violations of compliance schedule milestones, contained in an enforcement order, for starting construction, completing construction and attaining final compliance by ninety (90) days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data or as required for categorical industrial users (baseline monitoring reports, ninety (90) day compliance reports and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(37) "State." State of Tennessee.

(38) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, measured using the standard procedure defined at 40 C.F.R. part 136, method 160.3.

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

(a) The limit for carbonaceous biochemical oxygen demand, suspended solids, ammonia reported as nitrogen, or free oil and grease are exceeded by one hundred forty percent (140%) for thirty-three percent (33%) or more of the total industrial self-monitoring events, plus control authority compliance monitoring events, in the six (6) month period covered by the semi-annual report required by the approval authority.

(b) The limit for any other pollutant is exceeded by one hundred twenty percent (120%) for thirty-three percent (33%) or more of the total significant industrial user self-monitoring events, plus total control authority compliance monitoring events, in the six (6) month period covered by the semi-annual report required by the approval authority.

(41) "Town." The Town of Adamsville, Tennessee.

(42) "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 section 307(a) of the Act.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

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

(45) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations 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. (1984 Code, § 13-2A01(2), as replaced by Ord. #2001-02110, July 2001)

18-303. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand (five day)
CBOD	Carbonaceous Biochemical Oxygen Demand (five day)
C.F.R.	<u>Code of Federal Regulations</u>
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industrial Classification System
NH ₃ -N	Ammonia reported as nitrogen
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	Total Suspended Solids
U.S.C.	<u>United States Code</u>

(1984 Code, § 13-2A01(3), as replaced by Ord. #2001-02110, July 2001)

18-304. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will 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:

(1) 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. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge into the POTW (or at any point in the POTW), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(2) Solid or viscous substances in a quantity or concentration which causes obstruction to the flow in a sewer or interference with the operation of the POTW treatment plant such as, but not limited to, vegetable and mineral oils, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains,

spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

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

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant 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.

(5) 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.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residue, 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 noncompliance 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, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

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

(9) 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 forty degrees (40°) C (one hundred four degrees [104°] F) unless the POTW is designed to accommodate such temperature.

(10) Any pollutants, including the oxygen demanding pollutants CBOD, COD, and NH₃-N released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations 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.

(11) 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.

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

When the control authority determines that a user 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 advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct the interference with the POTW. (1984 Code, § 13-2A02(1), as replaced by Ord. #2001-02110, July 2001)

18-305. Categorical pretreatment standards. Upon the promulgation of categorical pretreatment standards for a particular industrial category, the categorical pretreatment standard, if more stringent than limitations listed in § 18-307(2) of this ordinance for sources in that category, shall immediately supersede the limitations listed in § 18-307(2) of this ordinance. The control authority shall notify the affected significant industrial users of the applicable reporting requirements found at 40 C.F.R., part 403.12. (1984 Code, § 13-2A02(2), as replaced by Ord. #2001-02110, July 2001)

18-306. Modification of categorical pretreatment standards. If the POTW treatment plant achieves consistent removal of pollutants limited by categorical pretreatment standards, the town may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. "Consistent removal" shall mean the reduction in the amount of a pollutant which is achieved by the POTW treatment plant as established by the average of the lowest fifty percent (50%) of the removals measured when measured according to the procedures set forth at 40 C.F.R. part 403.7(b)(2). The town may then modify pollutant discharge limits established by categorical pretreatment standards if the requirements listed in 40 C.F.R., part 403.7 are fulfilled and prior approval from the approval authority is obtained. (1984 Code, § 13-2A02(3), as replaced by Ord. #2001-02110, July 2001)

18-307. Wastewater discharge limitations. No user shall discharge wastewater containing in excess of the concentration listed for each of the following pollutants unless:

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

or

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

<u>Pollutant</u>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Monthly Avg. Maximum Concentration (mg/l)</u>
Arsenic	1.084	0.542
Cadmium	0.218	0.109
Chromium	3.798	1.899
Copper	2.208	1.104
Cyanide	2.790	1.395
Lead	0.648	0.324
Mercury	0.0008	0.0004
Nickel	2.844	1.422
Silver	0.130	0.065
Zinc	5.908	2.954
Benzene	0.088	0.044
Carbon tetrachloride	0.164	0.082
Chloroform	0.926	0.463
1,2 transdichloroethylene	0.130	0.065
Ethylbenzene	0.186	0.093
Methylene chloride	0.546	0.273
Napthalene	0.066	0.033
Total phenols	1.946	0.973
Total phthalates	4.676	2.338
Tetrachloroethylene	0.272	0.136
Toluene	0.588	0.294
1,1,1 Trichloroethane	3.618	1.809
Trichloroethylene	0.110	0.055

*Based on 24-hour flow proportional composite samples.

Sampling for all pollutants listed shall be conducted in accordance with the requirements found at 40 C.F.R. part 403.12(b)(5). Analysis for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 C.F.R. part 136. (1984 Code, § 13-2A02(4), as replaced by Ord. #2001-02110, July 2001)

18-308. Criteria to protect the POTW treatment plant influent.

(1) General. The town shall monitor the influent to the POTW Treatment plant for each parameter listed hereinafter. In the event that the influent to the POTW treatment plant reaches or exceeds the concentration values for any parameter listed hereinafter, the control authority shall initiate technical studies to determine the cause of the exceedance, and shall recommend to the town council such remedial measures as are necessary, included, but not limited to recommending the establishment of new or revised wastewater discharge limitations for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW treatment plant 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.

<u>Parameter</u>	<u>Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)</u>	<u>Maximum Instantaneous Concentration in Grab Sample (mg/l)</u>
CBOD	120	240
TSS	140	280
NH ₃ -N	15	30
Free oil and grease	100	200
Arsenic	0.100	0.200
Cadmium	0.020	0.040
Chromium	0.353	0.706
Copper	0.205	0.410
Cyanide	0.258	0.516
Lead	0.063	0.126
Mercury	0.0001	0.0002

<u>Parameter</u>	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
Nickel	0.265	0.530
Silver	0.012	0.024
Zinc	0.588	1.176
Benzene	0.008	0.016
Carbon tetrachloride	0.015	0.030
Chloroform	0.085	0.170
1,2 transdichloroethylene	0.012	0.024
Ethylbenzene	0.017	0.034
Methylene chloride	0.050	0.100
Napthalene	0.006	0.012
Total phenols	0.179	0.358
Total phthalates	0.430	0.860
Tetrachloroethylene	0.025	0.050
Toluene	0.054	0.108
1,1,1 trichloroethane	0.333	0.666
Trichloroethylene	0.010	0.020

(2) Conventional pollutants. (a) CBOD, TSS and NH₃-N. The POTW treatment plant has a capacity to treat specific waste load concentrations and mass amounts of the conventional pollutants Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), and ammonia nitrogen (NH₃-N). If a user discharges concentrations of these conventional pollutants in excess of the concentration values listed as criteria to protect the POTW treatment plant influent in § 18-308(1) of this ordinance, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for any of the conventional pollutants

CBOD, TSS, and/or $\text{NH}_3\text{-N}$ may be subject to a surcharge. The formula for calculation of this surcharge is listed in § 18-322(4) of this ordinance. The town also reserves the right to, at any time, place specific mass or concentration limits for CBOD, TSS and/or $\text{NH}_3\text{-N}$ on the discharge by a user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(b) Free oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this ordinance as conventional pollutants. "Free" and "Emulsified" oil and grease shall be differentiated based on the following procedure. One (1) aliquot of sample shall be extracted with n-hexane in accordance with the procedures established at 40 C.F.R. part 136, method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "Free" oil and grease. A second aliquot of sample shall be prepared in accordance with the procedures established at 40 C.F.R. part 136, method 1664 including the adding of acid and heating until any emulsion breaks prior to the extraction. The sample shall then be extracted with n-hexane in accordance with the procedures established at 40 C.F.R. part 136, method 1664. The result of this analysis will be considered "Total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "Total" and "Free" oil and grease.

If a user discharges concentrations of "Free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for "Free" oil and grease, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for "Free" oil and grease may be subject to a surcharge. The formula for this surcharge is listed in § 18-322 of this ordinance. The town also reserves the right to, at any time, place specific mass or concentration limits for "Free" oil and grease on the discharge by a user if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit. (1984 Code, § 13-2A02(5), as replaced by Ord. #2001-02110, July 2001)

18-309. State requirements. State requirements and limitations on discharges by users shall apply in any case where they are more stringent than EPA requirements and limitations or those listed in § 18-307(2) of this ordinance. (1984 Code, § 13-2A02(6), as replaced by Ord. #2001-02110, July 2001)

18-310. Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-301(1) of this ordinance. (1984 Code, § 13-2A02(7), as replaced by Ord. #2001-02110, July 2001)

18-311. Excessive 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 categorical pretreatment standards, or in any other pollutant-specific limitation developed by the state or listed in § 18-307(2) of this ordinance. Mixing of waste streams may be an acceptable means of complying with some of the prohibitions set forth in § 18-304 of this ordinance, including pH prohibition. (1984 Code, § 13-2A02(8), as replaced by Ord. #2001-02110, July 2001)

18-312. Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the 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. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the control authority. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the control authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The user shall sample and analyze for those parameters for which limitations were violated within forty-eight (48) hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority.

Within five (5) days following an accidental 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 ordinance or other applicable law.

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 an accidental discharge of prohibited materials or other substances regulated by this ordinance. Users shall insure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure. (1984 Code, § 13-2A03, as replaced by Ord. #2001-02110, July 2001)

18-313. Connection to public sewers. (1) Requirements for proper wastewater disposal. (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 service area of the town, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance.

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

(d) Except as provided in § 18-313(1)(e) of this ordinance, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, 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 ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the owner's property.

(e) The owner of a manufacturing facility may discharge wastewater directly to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Act, the NPDES permit and any other applicable local, state or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-313(1)(d) of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of state laws and regulations governing private sewage disposal systems.

(2) Physical connection public sewer. (a) Person(s) shall not uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the control authority as required in § 18-323 of this ordinance.

(b) All costs and expenses incident to the installation, connection and inspection of building sewers shall be borne by the user.

The user shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(d) Old building sewers may be used in connection with a new building only when they meet all requirements of this ordinance. All others must be replaced in accordance with the requirements of this ordinance.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer for connection of residential users to the POTW shall be four inches (4").

(ii) The minimum size of a building sewer for connection of commercial, institutional and industrial users to the POTW shall be six inches (6").

(iii) The minimum depth of cover above a building sewer shall be eighteen inches (18").

(iv) Four inch (4") building sewers shall be laid on a grade greater than one-fourth inch (1/4") per foot. Six inch (6") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least three feet (3.0') per second.

(v) Slope and alignment of all building sewers shall be neat and regular.

(vi) Building sewers shall be constructed only of ductile iron pipe with rubber compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints or glued joints be acceptable.

(vii) Cleanouts shall be located on building sewers as follows: one (1) located five feet (5') outside of the building, one (1) at the connection onto the POTW collector sewer line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and

forty-five degree (45°) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(viii) Connections of building sewers to the POTW system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building sewers shall be made by either removing a length of existing POTW sewer pipe and replacing it with a wye or tee fitting or by cutting a clean opening in the existing POTW sewer line and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gastight and watertight.

(ix) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-313(2)(e)(iv) of this ordinance from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a grinder pump furnished and installed by the town and discharged to the building sewer. Power to operate the grinder pump shall be provided by and at the expense of the user.

(x) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in ASTM Standard D2321 and Water Environment Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(xi) All installed building sewers shall be gastight and watertight.

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

(g) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources

of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The connection of the building sewer to the public sewer and all building sewers from the building to the public sewer main line shall be inspected by the control authority or his authorized representative before the underground portion is covered.

(b) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the control authority or his representative.

(4) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on the user's property to insure that the building sewer remains watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet the requirements of this ordinance. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or ground water entry into the POTW are identified on building sewers on the user's property, the control authority may notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this ordinance. All steps necessary to comply with this ordinance must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user. (1984 Code, § 13-2A04, as replaced by Ord. #2001-02110, July 2001)

18-314. Prohibitions on storm drainage and ground water. Stormwater, ground water, rainwater, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage if unpolluted shall not be discharged to the POTW. (1984 Code, § 13-2A05, as replaced by Ord. #2001-02110, July 2001)

18-315. Unpolluted water. Unpolluted water, including, but not limited to non-contact cooling water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit. (1984 Code, § 13-2A06, as replaced by Ord. #2001-02110, July 2001)

18-316. Limitations on the use of garbage grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. 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. This provision shall not apply to domestic residences. (as added by Ord. #2001-02110, July 2001)

18-317. 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 he deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor. (as added by Ord. #2001-02110, July 2001)

18-318. Septic tank pumping, hauling, and discharge. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge 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. The control authority shall designate the locations and times where trucks hauling septic tank pumpage may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The charge for disposal of wastewater or sludge removed from septic tanks into the POTW shall be determined on a volume basis by the control authority. (as added by Ord. #2001-02110, July 2001)

18-319. Holding tank waste. No person shall discharge any holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority. 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. (as added by Ord. #2001-02110, July 2001)

18-320. On-site private wastewater disposal facilities. Persons shall not discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be property operated and maintained by the owner of the property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities within the service area of the town shall be in accordance with state requirements. (as added by Ord. #2001-02110, July 2001)

18-321. Regulation of oil and grease discharge from commercial kitchens. Oil and grease discharge from commercial kitchens shall be subject to the following rules and regulations:

(1) **Applicability and schedule for compliance.** All existing and new establishments with commercial kitchens including restaurants, hospitals, schools, nursing homes, and grocery and convenience stores shall install and maintain oil and grease interceptor tanks in accordance with the provisions of § 18-321 of this chapter. All new establishments subject to the requirements of this section shall provide evidence in the form of oil and grease interceptor tank construction drawings, plumbing drawings, and projected oil and grease laden flows to the control authority that all provisions of this section will be met prior to issuance by the control authority of a permit to connect any drain lines from the establishment to the POTW. All existing establishments subject to the requirements of this section shall construct any necessary plumbing modifications and install oil and grease interceptor tanks in strict compliance with all provisions of this section or, at the discretion of the control authority, provide a report prepared by an engineer registered by the state describing what existing conditions prevent strict compliance with all provisions of this section and recommendations for plumbing modifications and/or installation of oil and grease interceptor tanks that will provide compliance with the intentions of this section all in a form acceptable to the control authority. All existing establishments subject to the requirements of this section shall construct all plumbing modifications and/or install oil and grease interceptor tanks in strict compliance with the requirements of this section or as approved by the manager within one hundred eighty (180) days following the adoption of the ordinance comprising this chapter.

(2) **Waste lines connected to oil and grease interceptor tanks.** The drain lines from the pre-rinse sink, pot sink and floor drains shall be connected to the oil and grease interceptor tank. Drain lines from dishwashers and garbage grinders may be connected to the oil and grease interceptor tank,

provided that the oil and grease interceptor tank is sized for use in conjunction with the discharge from dishwashers and/or garbage grinders. The building sewer draining the oil and grease interceptor tank may be separate from the building sewer draining waste lines from sources prohibited from connection to the oil and grease interceptor tank.

(3) Waste lines prohibited from connection to oil and grease interceptor tanks. Sanitary drains from bathrooms, utility sinks, water closets, showers, lavatories, urinals, and floor drains in spaces other than commercial kitchens in new establishments subject to the requirements of § 18-321 of this chapter shall not be connected to oil and grease interceptor tanks. Any drain line transporting stormwater shall not be connected to oil and grease interceptor tanks.

(4) Oil and grease interceptor tank design criteria. Oil and grease interceptor tanks shall have a one thousand (1,000) gallon minimum volume and a minimum of two (2) compartments separated by a baffle. Standard one thousand (1,000) gallon precast concrete septic tanks are acceptable as oil and grease interceptor tanks. Precast concrete septic tanks used as oil and grease interceptor tanks or field-constructed oil and grease interceptor tanks shall be designed in accordance with Rules of the Department of Environment and Conservation, chapter 1200-1-6, "Regulations to Govern Subsurface Sewage Disposal Systems."

All existing establishments with commercial kitchens shall install a one thousand (1,000) gallon oil and grease interceptor tank unless a waiver is granted by the control authority.

All new establishments with commercial kitchens shall install oil and grease interceptor tanks in accordance with the following requirements. New restaurants utilizing disposable tableware as their sole type of tableware shall install a one thousand (1,000) gallon oil and grease interceptor tank. All other new establishments with commercial kitchens shall install oil and grease interceptor tanks with volume calculated utilizing the following formula:

$$V = N \times G \times S \times H \times LF$$

Where:

V	=	Oil and grease interceptor tank total volume expressed in gallons.
N	=	Number of seats in dining area for restaurants.
	=	Number of meals served per day for hospital, nursing home and schools.
G	=	Wastewater produced per meal expressed in gallons.
	=	5.0 for restaurant..
	=	4.5 for hospitals, nursing homes and schools.
S	=	Storage capacity factor (dimensionless) = 1.7

- H = Number of hours per day open for business for restaurants
2.5 for hospitals, nursing homes and schools.
- LF = Load Factor
= 1.25 if dishwasher and garbage grinder are connected to the
oil and grease interceptor.
= 1.00 if dishwasher but not garbage grinder is connected to
the oil and grease interceptor.
= 0.75 if the garbage grinder but not the dishwasher is
connected to the oil and grease interceptor.
= 0.50 if neither the dishwasher nor garbage grinder are
connected to the oil and grease interceptor.

When the calculated volume for an oil and grease interceptor tank exceeds one thousand (1,000) gallons, multiple one thousand (1,000) gallon precast concrete septic tank units piped in series or a large field-constructed concrete tank with a baffle separating it into two (2) compartments may be used. Oil and grease interceptor tanks shall be buried with access provided to all compartments for cleaning and inspection. Each compartment shall be fitted with a hatch sized and located to allow the visual determination of the thickness of the oil and grease layer in each compartment. Oil and grease interceptor tanks shall be placed in a location between the commercial kitchen and POTW sewer collector line that is easily accessible for inspection, cleaning and maintenance.

(5) Oil and grease discharge management. Oil and grease interceptor tanks shall be thoroughly cleaned when the layer of oil and grease on top of the liquid in the tank reaches a depth which allows coalesced oil and grease to escape from the tank. All oil and grease interceptor tanks shall be cleaned at intervals established by the control authority, but no less than once every three (3) months. Users utilizing oil and grease interceptor tanks shall obtain written and dated certification from the company cleaning the tank that the tank was completely cleaned, and the user shall maintain these certifications on file for three (3) years.

All waste oil and grease from frying operations shall be collected in appropriate containers and removed from the establishment by a rendering company or waste oil and grease recovery company. Pouring oil or liquefied grease down a drain in a commercial kitchen is prohibited. Installation of an automatic enzyme or bacterial additive feeding system prior to oil and grease interceptor tanks may be required by the control authority. (as added by Ord. #2001-02110, July 2001)

18-322. Fees. (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs associated with operation, maintenance, administration, debt service and depreciation of the POTW from users of the POTW system. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(2) Charges and fees. The town may adopt charges and fees which may include:

- (a) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW;
- (b) Fees for monitoring, inspections, and surveillance procedures associated with significant industrial users;
- (c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;
- (d) Fees for permit applications;
- (e) Fees for inspection of building sewer connections;
- (f) Fees for filing appeals of enforcement actions taken by the town;
- (g) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (h) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
- (i) Fees for disposal of septic tank and holding tank wastewater and sludge; and
- (j) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the town.

(3) User charge system. The control authority will establish a schedule of charges and fees which will generate annual revenues sufficient to maintain compliance with the requirements of the Tennessee Code Annotated, § 66-221-1010, as amended, as it relates to publicly owned wastewater systems.

(4) Surcharge fees. If a user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants CBOD, TSS, NH₃-N, and/or free oil and grease in § 18-308(a) of this chapter, additional operation and maintenance costs may be incurred by the town. Therefore, any user who discharges in excess of the limits for any of these parameters may be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

$$\left[\begin{array}{l} \text{Base} \\ \text{Sewer} \\ \text{Bill for} \\ \text{Monthly} \\ \text{Usage} \end{array} \right] \times \left[\begin{array}{l} \text{Actual Monthly Average of} \\ \text{Parameter Concentration (mg/l)} \\ \text{24-Hour Flow Proportional} \\ \text{Composite Sample Criteria} \\ \text{to Protect the POTW Treatment} \\ \text{Plant Influent} \end{array} \right] - \left[\begin{array}{l} \text{Base} \\ \text{Sewer} \\ \text{Bill for} \\ \text{Monthly} \\ \text{Usage} \end{array} \right]$$

The town also reserves the right to, at any time, place mass or concentration limits which may not be exceeded on the user's discharge of conventional pollutants if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the town may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (as added by Ord. #2001-02110, July 2001)

18-323. Administration. (1) Wastewater discharge permits. There shall be two (2) classes of building sewer permits:

(a) For connection of residential, commercial and institutional users to the POTW; and

(b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his 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 considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the town's schedule of charges and fees.

(2) Residential, commercial and institutional wastewater discharge permits. All new non-industrial users which generate only domestic wastewater shall make application to the control authority for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-industrial users, as well as for any existing non-industrial user desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the control authority, the building sewer is installed in accordance with § 18-313 of this chapter, and an inspection has been performed by the control authority or his representative.

The receipt by the control authority of a prospective user's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the town's rules and regulations and general practices, the permit and inspection fee will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(3) Industrial wastewater discharge permits. (a) General. All existing industrial users shall submit a completed wastewater survey for nonresidential establishments within ninety (90) days after the effective date of the ordinance comprising this chapter. All new industrial users shall submit an application for wastewater discharge permit as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this survey or application, and any other information requested, if the industrial user

is a significant industrial user. If the industrial user is determined to be a significant industrial user, the significant industrial user shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. If the industrial user is determined not to be a significant industrial user, the industrial user shall obtain a permit to discharge only domestic wastewater in accordance with the procedures described in § 18-323(2) of this chapter.

(b) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 C.F.R. 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to requirements found at 40 C.F.R. 403.12(l).

(c) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the town at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

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

(ii) Classification under the North American Industrial System (NAICS), 1997;

(iii) Wastewater constituents and characteristics including, but not limited to, those listed in § 18-308(1) of this chapter as determined by a reliable analytical laboratory with sampling and analyses performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and found at 40 C.F.R., part 136, as amended;

(iv) Time and duration of discharge;

(v) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer and appurtenances by the size, location and elevation;

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

(viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local or state pretreatment standards, or categorical pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards;

(ix) If additional pretreatment and/or operation and maintenance will be required to meet the local or state standards or categorical pretreatment standards, the shortest schedule by which the 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 local or state pretreatment standards or categorical pretreatment standards.

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 industrial user to meet the applicable local or state pretreatment standards or categorical 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 § 18-323(3)(c)(ix)(A) of this chapter 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 industrial 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 industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

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

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

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

(xiii) 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 date furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Industrial wastewater discharge permit modifications. Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user, subject to a categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-323(3)(c) of this chapter, the significant industrial user shall apply for an industrial wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable categorical pretreatment standards. In addition, any significant industrial user with an existing industrial wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard the information required in § 18-323(3)(c)(viii) and (ix) of this chapter.

(e) Industrial wastewater discharge permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, charges and fees established by the town.

Permits shall contain the following conditions:

(i) A statement of the duration of the permit, which shall not exceed five (5) years;

(ii) A statement that the permit may not be transferred without, at a minimum, prior notification to the control authority and providing a copy of the existing industrial wastewater discharge permit to the succeeding owner;

(iii) Wastewater discharge limitations based on categorical pretreatment standards, discharge limitations listed in § 18-307(2) of this chapter, and/or discharge prohibitions listed in § 18-307 of this chapter;

(iv) 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 POTW;

(v) Requirements for self-monitoring, sampling, reporting, notification and record keeping; including identification of the pollutants to be monitored in the wastewater discharge, the location for sampling the wastewater discharge, the frequency for

sampling the wastewater discharge, and the type of samples to be collected for each pollutant to be monitored;

(vi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameters out of compliance in accordance with procedures described at 40 C.F.R. part 403.12(g); and/or

(vii) The applicable civil and criminal penalties for violation of provisions of the industrial wastewater discharge permit or this ordinance; and

(viii) Any compliance schedule.

Permits may also contain the following:

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

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

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

(D) Requirements for notification of excessive discharges such as described in § 18-311 of this chapter;

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

(f) Industrial wastewater discharge permit duration. Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. The permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. The significant industrial user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the significant industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements identified in §§ 18-304--18-321 of this chapter are modified or other just cause exists. The significant industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Industrial wastewater discharge permit transfer. Industrial wastewater discharge permits are issued to a specific significant industrial user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant industrial user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or significant industrial user shall also comply with the

terms and conditions of the existing industrial wastewater discharge permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within ninety (90) days following the date for final compliance with applicable local or state pretreatment standards or categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to local or state pretreatment standards or categorical pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local or state pretreatment standards or categorical pretreatment standards and the average and maximum daily flow for these process units in the significant industrial user's facility which are limited by such local or state pretreatment standards or categorical pretreatment standards. The report shall state whether the applicable local or state pretreatment standards or categorical pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the significant industrial user into compliance with the applicable local or state pretreatment standards or categorical pretreatment standards. This statement shall be signed by an authorized representative of the significant industrial user, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. Any significant industrial user subject to a local or state pretreatment standard or categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority by the last day of the months of March and September, unless required more frequently by the local or state pretreatment standard or categorical pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local or state pretreatment standard or categorical pretreatment standards. 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 addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge now is different from water meter readings. The flow on

the date of the sampling shall also be reported. All parameters listed on the industrial wastewater discharge permit as having a wastewater discharge limitation must be sampled and analyzed. All reports submitted by the significant industrial user must include the certification described at 40 C.F.R. 403.6(a)(2)(ii) and must bear the signature of an authorized representative of the significant industrial user pursuant to requirements found at 40 C.F.R. 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(iii) The control authority may impose mass limitations on significant industrial users which are using dilution to meet applicable local or state pretreatment standards or categorical pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report described in § 18-323(3)(h)(ii)(A) of this chapter 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 analyses 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 local or state pretreatment standard or categorical pretreatment standard.

(iv) All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and described at 40 C.F.R., part 136 and amendments thereto. Sampling shall be performed in accordance with the requirements found at 40 C.F.R. part 403.12(b)(5) and techniques approved by the control authority.

(i) Monitoring facilities. The control authority may require to be provided and operated at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement in the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the significant industrial user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the significant industrial 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 significant industrial user.

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

(j) Inspection and sampling. Industrial users shall allow the control authority 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, approval authority and EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of such identification, personnel from the control authority, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The control authority shall inspect the facilities of any significant industrial user at least one (1) time each year to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with.

(k) Pretreatment. Significant industrial users shall provide necessary pretreatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards within the time limitations as specified by the categorical pretreatment standards. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the significant industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this ordinance. 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 significant industrial user's initiation of the changes.

(l) Confidential information. Information and data relating to an industrial 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 industrial 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 industrial user.

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

Information accepted by the control authority as confidential shall not be transmitted to any governmental agency or to the general public by the control authority until and unless a ten (10) day notification is given to the industrial user. (as added by Ord. #2001-02110, July 2001)

18-324. Enforcement. (1) Administrative enforcement remedies.

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

(b) Consent orders. The town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to this section.

(c) Show cause hearing. The control authority may order any user which causes or contributes to violation of this ordinance, industrial wastewater discharge permit, or order issued hereunder, to show cause before the town commission why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124, as amended. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a

request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the control authority finds that a user has violated or continues to violate this ordinance, an industrial wastewater discharge permit or order issued hereunder, the town may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(e) Cease and desist orders. When the town finds that a user has violated or continues to violate the ordinance or any permit or order issued hereunder, the town may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (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) Civil penalties. Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the town shall utilize such other collection remedies as available to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Users desiring to dispute the assessment of such penalties must file a request for the town to reconsider the penalty within ten (10) days of being notified of the penalty. Where the town believes a request has merit, the control authority shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(g) Emergency suspensions. (i) The town may suspend the wastewater treatment service and/or industrial wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment

(ii) Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the town 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 town shall allow the user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in this section are initiated against the user.

(iii) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW prior to the date of the hearing described in this section.

(h) Termination of industrial wastewater discharge permit. Significant industrial users proposing to discharge into the POTW must first obtain an industrial wastewater discharge permit from the town. Any significant industrial user who violates the following conditions of this ordinance or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

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

Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under this section why the proposed action should not be taken.

(2) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this ordinance or any order or industrial wastewater discharge permit issued hereunder, the town, through the town attorney, may commence an action for

appropriate legal and/or equitable relief in the Chancery Court for McNairy County.

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

(b) Civil penalties. (i) Any user who has violated or continues to violate this ordinance or any order or permit issued hereunder shall be liable to the town for a civil penalty of up to ten thousand dollars (\$10,000.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

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

(c) Criminal prosecution. Pursuant to § 69-3-115(4)(c), as amended, of the Tennessee Code Annotated, violators will be prosecuted for a Class E felony and punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) or incarceration, or both, as provided therein.

(3) Annual publication of significant violations. The town shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those significant industrial users which are found to be in significant noncompliance, as defined in § 18-302(35) of this chapter, with any provisions of this ordinance or industrial wastewater discharge permit or order issued hereunder during the period since the previous publication.

(4) Affirmative defenses. (a) Treatment upsets. (i) An "upset" is defined for the purposes of this ordinance as an exceptional incident in which there is unintentional and temporary noncompliance with the provisions of this ordinance or an industrial wastewater discharge permit because of factors beyond

the reasonable control of the user. Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority within twenty-four (24) hours after becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

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

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

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

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

(b) Treatment bypass. A "bypass" is defined for the purposes of this ordinance as the intentional diversion of waste streams from the pretreatment facilities of a significant industrial user.

(i) A bypass of the significant industrial user's pretreatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable 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 pretreatment or retention of the wastewater; and

(C) The user properly notified the control authority, as required under subsection (4)(b)(ii) of this section.

(ii) Significant industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may require the user to submit a written report explaining the cause(s), nature and

duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating 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 subsection (4)(b)(i) of this section. (as added by Ord. #2001-02110, July 2001)

CHAPTER 4

USER CHARGE SYSTEM

SECTION

- 18-401. Introduction.
- 18-402. Annual review and notification.
- 18-403. Charges for operation and maintenance.
- 18-404. User charge system.
- 18-405. Adoption of system.
- 18-406. Surcharge fees.
- 18-407. Retirement of bonds.

18-401. Introduction. The City of Adamsville is required by the Tennessee Department of Health to develop and implement a user charge system. The user charge system shall provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent from the wastewater treatment facility shall pay for such increased cost. The user charge system must be designed to produce adequate revenues to provide for the following expenditures:

- (1) Operation and maintenance expenses.
- (2) Debt retirement.
- (3) Replacement of the wastewater treatment works over its useful life.
- (4) Depreciation. (Ord. #89110601, Dec. 1989)

18-402. Annual review and notification. The city will review annually the wastewater contribution of users, user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The city will revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation, maintenance, and replacement of the treatment of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Each user will be notified annually in conjunction with a regular bill of the rate and that portion of the user charge that is attributable to wastewater treatment services. (Ord. #89110601, Dec. 1989)

18-403. Charges for operation and maintenance. The cost of operation and maintenance for all flow not directly attributable to a user or users shall be distributed among all users based on flow volume of the user. Flow volume shall be determined by water meter records unless the user elects to install at its own cost a sewer flow meter. The flow meter shall meet the city's approval prior to installation of the meter. Maintaining the meter shall be the sole responsibility of the user. (Ord. #89110601, Dec. 1989)

18-404. User charge system. (1) Classification of users. Users of the city's wastewater system shall be classified into two general classes or categories depending upon the user's contribution of wastewater loads, each class user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(2) Determination of costs. The city commission shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs, operation and maintenance costs of the wastewater collection and treatment system, and debt service costs.

(a) All users who fall under Class I pay a minimum bill plus a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$\text{Monthly Bill} = \frac{A - (B \times C) - I}{D - ((B - E) \times F) - (E \times G)} + C$$

Where:

A = Monthly revenue required.

B = Total number of users.

C = Monthly minimum bill.

D = Total gallons used by all users.

E = Number of minimum users.

F = Maximum number of gallons in minimum range.

G = Gallons used by minimum users.

I = Interest revenue.

Therefore:

According to Table I

$$A = \$7,353$$

$$B = 635$$

$$C = \$5.50$$

$$D = 2,910,000 \text{ gallons/month}$$

$$E = 27$$

$$F = 2,000 \text{ Gallons (0-2,000 Minimum Range)}$$

$$G = 1,600$$

$$I = \$625$$

or

$$\frac{7584 - (635 \times \$5.50) - 625}{2,910,000 - (27 \times 1,600) - ((635 - 27) \times 2,000)} + \$5.50$$

$$\frac{\$3,466.50}{2,910,000 - 43,200 - 1,216,000} + \$5.50$$

or

$$\boxed{\$2.10 \text{ per thousand} + \$5.50}$$

(b) All users who fall within the Class II classification shall all pay the same bill as for the Class I users and in addition shall pay a surcharge rate on excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(c) The volume of water purchased which is used in the calculation of sewer user charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.) The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW is in excess of those described in § 18-404(1)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge.

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total (BOD) contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time.

At the present, Adamsville does not have any Class II users. The above formula should be difficult to apply to a lagoon system. When and if a Class II user locates in Adamsville, the formula will be developed. (Ord. #89110601, Dec. 1989)

18-405. Adoption of system. The legal authority for this user charge system is given by Section 3, Adamsville Sewer Use Ordinance (Ord. #19860401). (Ord. #89110601, Dec. 1989)

18-406. Surcharge fees. If it is determined by the city that the discharge or other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge. (Ord. #89110601, Dec. 1989)

18-407. Retirement of bonds. The user charge system includes charges levied to customers to retire bonds. These charges are being imposed by the city. The Clean Water Act does not require the city to retire bonds through the user charge system. (Ord. #89110601, Dec. 1989)

CHAPTER 5

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-501. Definitions.
- 18-502. Places required to have sanitary disposal methods.
- 18-503. When a connection to the public sewer is required.
- 18-504. When a septic tank shall be used.
- 18-505. Registration and records of septic tank cleaners, etc.
- 18-506. Use of pit privy or other method of disposal.
- 18-507. Approval and permit required for septic tanks, privies, etc.
- 18-508. Owner to provide disposal facilities.
- 18-509. Occupant to maintain disposal facilities.
- 18-510. Only specified methods of disposal to be used.
- 18-511. Discharge into watercourses restricted.
- 18-512. Pollution of ground water prohibited.
- 18-513. Enforcement of chapter.
- 18-514. Carnivals, circuses, etc.
- 18-515. Violations.

18-501. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

¹Municipal code reference

Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1984 Code, § 8-301)

18-502. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1984 Code, § 8-302)

18-503. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1984 Code, § 8-303)

18-504. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1984 Code, § 8-304)

18-505. Registration and records of septic tank cleaners, etc.

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1984 Code, § 8-305)

18-506. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-502 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1984 Code, § 8-306)

18-507. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1984 Code, § 8-307)

18-508. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-502, or the agent of the owner to provide such facilities. (1984 Code, § 8-308)

18-509. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1984 Code, § 8-309)

18-510. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1984 Code, § 8-310)

18-511. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1984 Code, § 8-311)

18-512. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1984 Code, § 8-312)

18-513. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1984 Code, § 8-313)

18-514. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1984 Code, § 8-314)

18-515. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1984 Code, § 8-315)

CHAPTER 6

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-601. Objectives.
- 18-602. Definitions.
- 18-603. Compliance with Tennessee Code Annotated.
- 18-604. Regulated.
- 18-605. Permit required.
- 18-606. Inspections.
- 18-607. Right of entry for inspections.
- 18-608. Correction of violations.
- 18-609. Required devices.
- 18-610. Non-potable supplies.
- 18-611. Statement required.
- 18-612. Penalty; discontinuance of water supply.
- 18-613. Provision applicable.

18-601. Objectives. The objectives of this chapter are:

- (1) To protect the public potable water system of Adamsville Water System from the possibility of contamination or pollution by isolating within the customer's internal distribution system such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
- (3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1984 Code, § 8-401, as replaced by Ord. #09191114, Sept. 2011)

18-602. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

- (1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

water supply line, but in no case less than six inches (6"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(10) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

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

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(14) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded

check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Adamsville Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the Manager of the Adamsville Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e., the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1984 Code, § 8-402, as replaced by Ord. #09191114, Sept. 2011)

18-603. Compliance with Tennessee Code Annotated. The Adamsville Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Adamsville Water System shall comply with Tennessee Code Annotated, § 68-221-711 as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1984 Code, § 8-403, as replaced by Ord. #09191114, Sept. 2011)

18-604. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Adamsville Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Adamsville Water System if a backflow prevention device required by this chapter is not installed,

tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the Manager of the Adamsville Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Adamsville Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1984 Code, § 8-404, as replaced by Ord. #09191114, Sept. 2011)

18-605. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Adamsville Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made to any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Adamsville Water System. (1984 Code, § 8-405, as replaced by Ord. #09191114, Sept. 2011)

18-606. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and

re-inspection shall be based on potential health hazards involved, and shall be established by the Adamsville Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (1984 Code, § 8-406, as replaced by Ord. #09191114, Sept. 2011)

18-607. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Adamsville Water System public water system for the purpose of inspecting the piping system therein for cross connections, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (1984 Code, § 8-407, as replaced by Ord. #09191114, Sept. 2011)

18-608. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Adamsville Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an

unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1984 Code, § 8-408, as replaced by Ord. #09191114, Sept. 2011)

18-609. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Adamsville Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Adamsville Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Adamsville Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards:
- (i) Mortuaries, morgues, autopsy facilities;
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
 - (iv) Premises with auxiliary water supplies or industrial piping systems;
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment);
 - (vi) Laboratories (industrial, commercial, medical research, school);
 - (vii) Packing and rendering houses;
 - (viii) Manufacturing plants;
 - (ix) Food and beverage processing plants;
 - (x) Automated car wash facilities;
 - (xi) Extermination companies;
 - (xii) Airports, railroads, bus terminals, piers, boat docks;
 - (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
 - (xiv) Metal plating, pickling, and anodizing operations;
 - (xv) Greenhouses and nurseries;
 - (xvi) Commercial laundries and dry cleaners;
 - (xvii) Film laboratories;
 - (xviii) Petroleum processes and storage plants;
 - (xix) Restricted establishments;
 - (xx) Schools and educational facilities;
 - (xxi) Animal feedlots, chicken houses, and CAFOs;
 - (xxii) Taxidermy facilities;
 - (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross connections contaminating the system, a time period of ninety (90) days maximum will be allowed for corrections. High hazard is a cross connection or potential cross connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease (See Appendix A of manual).¹

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections

¹Available in the office of the city recorder.

for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Adamsville Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter by a person approved by the Adamsville Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless

otherwise approved by the Adamsville Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate

material to protect the device from vandalism and freezing and shall be approved by the Adamsville Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees (+40°) F with an outside temperature of negative thirty degrees (-30°) F and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Adamsville Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Adamsville Water System may require the installation of a duplicate device.

(p) The Adamsville Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Adamsville Water System. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall

not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Adamsville Water System.

(6) **Testing of devices.** Devices shall be tested at least annually by the Adamsville Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Adamsville Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge for annual testing. (1984 Code, § 8-409, as replaced by Ord. #09191114, Sept. 2011)

18-610. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Adamsville Water System, such coding is necessary to identify and protect the potable water supply. (1984 Code, § 8-410, as replaced by Ord. #09191114, Sept. 2011)

18-611. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Adamsville Water System a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #09191114, Sept. 2011)

18-612. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #0919114, Sept. 2011)

18-613. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Adamsville Water System and are hereby made part of the conditions required to be met for the Adamsville Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of this chapter is entitled to a due process hearing upon timely request. (as added by Ord. #0919114, Sept. 2011)