

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

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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 town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1980 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town 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 town 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 town'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.

(7) "Utility service" as used in this code title shall mean either municipal water service and/or municipal sewer service. (1980 Code, § 13-102, as amended by Ord. #91-032, Aug. 1991)

18-103. Obtaining service. Each customer who requests connection to the town's water and/or sewer system shall pay a non-refundable \$25.00 new connection fee to the city recorder at the time the request for connection to either utility service is made. Customers who rent the property or premises to which the utility connection is being made shall also make a \$100.00 security deposit at the time the request is made. The deposit shall be applied to any delinquency owed by the customer on his or her utility account at such time as it may be necessary to terminate water service to said customer. The \$100.00 deposit, or the unencumbered balance thereof, shall be refunded to the customer

whenever service is terminated. The payment of an additional \$25.00 re-connection fee and a new security deposit of \$100.00 plus payment of all remaining unpaid and delinquent user fees and utility charges shall be required from any customer whose water service has been disconnected because of non-payment of water and/or sewer user fees and additional charges. An application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (Ord. #91-042, Jan. 1992, as replaced by Ord. #98-002, May 1998)

18-104. Application for service. If, for any reason, a customer, after applying for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town 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 town 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 town to the applicant shall be limited to the return of any deposit made by such applicant. (1980 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. (1980 Code, § 13-105)

18-106. Connection charges. (1) The tap-on fee for each connection to the municipal sewer system shall be one thousand nine hundred and fifty dollars (\$1,950.00) plus an initial connection inspection fee of twenty dollars (\$20.00) for a total of one thousand nine hundred and seventy dollars (\$1,970.00). Any additional inspections which are necessary shall be made at a cost to the customer of twenty dollars (\$20.00) per inspection. For multi-unit dwellings, such as apartments and condominiums, which utilize a single sewer tap or single water meter, there shall be an additional sewer tap-on charge of two hundred fifty dollars (\$250.00) for each individual dwelling unit up to and including six (6) units. For all individual dwelling units in excess of six (6) on any single tap or water meter, there shall be an additional sewer tap-on fee of one hundred fifty dollars (\$150.00) for each unit. This sewer tap-on fee schedule for additional units shall also apply to any mobile home park or commercial shopping center within the municipal limits which is served by one (1) sewer tap or water meter. Each mobile home or individual commercial shop or office shall be considered a separate unit for purposes of determining the appropriate sewer tap-on fee and monthly user fee.

For multi-unit dwellings, such as apartments and condominiums, which utilize a meter for each unit, one (1) regular sewer tap fee shall be charged per building and for each unit therein a one-half (1/2) sewer tap fee shall be charged. To take advantage of this discount, all sewer taps are to be made and installed at the same time as the sewer mains and manholes by the developer. All sewer tap fees shall be paid prior to the end of construction of each unit to take advantage of this discount. The Town of Bluff City shall inspect all work done by the developer.

(2) The owner of the property upon which an individual mobile home sits, whether or not the same is located in a commercial mobile home park, shall be treated as a home owner and shall pay the base tap fee of one thousand nine hundred and fifty dollars (\$1,950.00) and additional appropriate charges, if any, when the property or mobile home is connected to the municipal sewer system pursuant to the terms of this section.

(3) The fee or charge for the town's installing each water meter and connecting each property owner or customer within the corporate limits to the municipal water system shall be five hundred dollars (\$500.00) per meter. The fee or charge for installing a water meter and connecting customers outside of the corporate limits to the municipal water system shall be seven hundred dollars (\$700.00) per customer. Each distinct dwelling unit in a multi-unit building, such as apartments or condominiums, shall be considered a separate and distinct customer for purposes of determining the water system connection fee regardless of the number of water meters installed at each multi-unit building. Each distinct commercial shop in a shopping center or shopping plaza shall be considered a separate customer for purposes of determining the water system connection fee. Each mobile home located in a mobile home park or on property occupied by another building already connected to the municipal water system shall be considered a distinct customer for purposes determining the water system connection fee.

For multi-unit dwellings, such as apartments and condominiums, which utilize a meter for each unit, one (1) regular tap fee shall be charged per building and one-half (1/2) regular tap fee for each unit therein. All water mains and laterals shall be installed by the developer as well as the line setters and meter boxes supplied and installed by the developer. The Town of Bluff City shall inspect all work done by the developer. The Town of Bluff City shall furnish the water meters. All fees shall have to be paid prior to the end of construction of each unit for the developers to take advantage of this discount.

The change over of customers in the Hillcrest area from the Johnson City Utility System to the town's water system shall be made without costs to the customers unless a new water meter is required. In that event a charge of one hundred twenty-five dollars (\$125.00) shall be made for the new meter required in the change over. Water customers along the town's original four inch (4") line who are being switched to receive utility service from the new six inch (6")

transmission line shall be reconnected to the town's water system without any additional charge.

(4) The sewer system tap-on fee for each connection of any commercial or industrial user whose building or structure exceeds ten thousand (10,000) square feet of covered floor space shall be the initial one thousand nine hundred and fifty dollars (\$1,950.00) plus five hundred dollars (\$500.00) for each additional ten thousand (10,000) square feet, or the appropriate pro rata percentage of such additional covered floor space.

(5) All recorded lots or parcels of property which abut any part of the municipal sewer line (or easement) or which abut the roads rights-of-way which are adjacent to the sewer line (or easement) or through which the sewer line runs shall be charged the monthly user fee which is computed upon the volume of water supplied to the particular property or customer regardless of whether the property or customer is connected to the municipal sewer system. Any property occupied by a residential, business, or industrial structure requiring the use of municipal water within the corporate limits and which abuts the municipal sewer line (or easement) as described above, but which is not presently connected to the municipal sewer system shall be connected to the sewer system at such time as the title to the property, or any interest therein, is sold or transferred to another individual or business entity and shall be charged the existing rates for said connection. Any property which is determined by the board of mayor and aldermen to constitute a health hazard because of septic waste disposal inadequacies shall be required to connect to the municipal sewer system immediately, and the owner thereof shall be required to pay all tap fees and related expenses required under this and any other applicable ordinance. (Ord. #91-032, Aug. 1991, as amended by Ord. #95-006, June 1995, Ord. #95-014, Jan. 1996, and Ord. #2004-001, Feb. 2004, and replaced by Ord. #2011-001, March 2011)

18-107. Water and sewer service extensions and financial arrangements for payment. (1) Each customer and/or owner of property who receives sewer service by virtue of the construction of a sewer line extension from the municipal sewer system as it is constituted at the time of the passage of this chapter shall pay the costs of extending the water service and/or sewer service to his or her property. In the event that the costs of said water and/or sewer extension exceed the base water meter connection fee or sewer tap fee charged to the property owner or customer under this chapter or any amendments thereto, each property owner or customer shall be responsible for his or her pro rata share of the additional water and/or sewer extension project's costs. The costs for the particular utility extension project shall be determined and itemized by the town after the completion of the extension project. All costs of the utility extension, including the expenses and legal fees associated with the acquiring of any necessary easements and the preparation of required contract documents, all additional pump stations, engineering costs, material and

equipment costs, labor costs, construction and/or contract costs, capital outlay note or bond costs and expenses, all required federal, state, and local inspection fees, and any other expense necessarily incurred by the town in order to complete the water and/or sewer extension project shall be included in the final computation. The property owners or customers who will receive municipal water and/or sewer service as a result of the utility extension project shall each be liable for his or her pro rata share of the project construction cost over and above the basic connection fees specified in § 18-106. In no event shall the connection fee charged to each property owner or customer for a utility extension to his/her property be less than the connection fee or tap fee in effect at the time of the completion of the water/sewer extension project. Pro rata shares shall be based on the number of distinct units or customers who will receive the utility service within sixty (60) days of the announced completion of the project.

(2) Each property owner, occupant, or customer whose property receives municipal water service and which abuts the sewer line extension, the sewer line easement, and the road right-of-way adjacent to the sewer extension or through which the utility extension runs must connect his/her property to the municipal water and/or sewer system within sixty (60) days of the town's announcing that the utility extension project has been completed. Any property to which water lines have been laid and which meets the location criteria specified herein shall be required to connect to the sewer line extension sixty (60) days after its announced completion. No pre-completion representations made by town agents regarding estimated water and/or sewer extension project costs shall be binding upon the town nor shall any such representations create any express or implied contracts or be grounds for estoppel should the actual costs of the utility extension project, as finally computed and itemized, exceed the initial cost estimates.

(3) When the board of mayor and aldermen determines by resolution to undertake a particular utility extension project pursuant to the terms of this chapter, each property owner or customer to be served by the extension shall pay the base tap fee as set by this chapter, or any amendments thereto, within sixty (60) days of the passage of the board's resolution if the estimated utility extension project costs exceed the base connection fee or tap fee. The board of mayor and aldermen shall publish a payment schedule for the prospective property owners and customers to be served by the utility extension. Said payment schedule shall allow the prospective customers to make voluntary periodic payments on their pro rata share of the estimated additional project costs during the planning and construction phase of the utility extension project. Each property owner's and customer's pro rata share of the utility extension project cost shall be due and payable not less than ten (10) business days before the connection of the property to the municipal sewer system is made. In the event that the completed and itemized utility extension project costs are less than the town's initial cost projections and any property owner or customer has paid more than his/her finally computed pro rata share, the respective over

payments shall be returned to the appropriate property owner with interest thereon computed at ten percent (10%) per annum.

(4) Fire hydrants shall be located on water extension lines at locations not to be farther than one thousand (1,000) feet from the most distant part of any dwelling structure and no farther than six hundred (600) feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances.

(5) Materials used in the installation of water and sewer lines shall conform to the standards set by the Tennessee Department of Health and Environment. Title to the utility extensions during the planning and construction stages, as well as upon completion and approval of the service lines and equipment, shall remain in the town.

(6) Any grant monies secured by the town to be applied to the construction of a particular utility extension project shall be applied to reduce each property owner or customer's pro rata share of the final computed cost but shall not affect each owner or customer's liability for the base water connection fee or sewer tap fee. (Ord. #91-032, Aug. 1991)

18-108. Water and sewer service to be extended at discretion of town. (1) Municipal sewer service shall be extended to new customers only when such extensions are economically feasible and can be made under the terms and conditions of this chapter.

(2) The authority to make water and/or sewer main and lateral extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (Ord. #91-032, Aug. 1991)

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

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 town. 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. (1980 Code, § 13-109)

18-110. Meter tests. The town 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:

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

The town 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:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1980 Code, § 13-110)

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 town.

Where the town 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 town's applicable water 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. (1980 Code, § 13-112)

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 town.

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 twenty (20) days after the discount date. The town 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 town 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 town reserves the right to render an estimated bill based on the best information available. (1980 Code, § 13-113)

18-113. Discontinuance of service. (1) Water service and sewer service shall be terminated to any customer whose water and/or sewer account becomes delinquent for more than sixty (60) days. The city recorder, in the event either municipal utility account remains delinquent more than thirty (30) days, shall notify the customer in writing that his or her water service shall be terminated if the account continues to remain delinquent in any amount for more than sixty (60) days unless the customer makes satisfactory arrangements to eliminate the arrearage prior to the end of the sixty (60) day period. Any customer who claims that he or she cannot satisfy the utility arrearage because of unexpected and severe economic hardship may apply, within the sixty (60) day period, to the board of mayor and aldermen for temporary and partial financial relief. The board may grant such temporary, partial relief as it deems appropriate under the circumstances, but shall not permanently relieve the customer of the legal charges and fees incurred under this chapter. No application for temporary relief shall be considered by the board if it is filed or requested by the delinquent customer or property owner after the expiration of the sixty (60) day period.

(2) The town's right to discontinue water utility service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefore, and even though the delinquency or violation is limited to only one such customer or tenant.

(3) Discontinuance of water utility service by the town for any cause stated in this title shall not release the customer from liability for service already received or from liability for payments that thereafter become due. (Ord. #91-032, Aug. 1991)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. (Ord. #91-032, Aug. 1991)

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 town 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 town 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 town 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 town 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. (1980 Code, § 13-116)

18-116. Access to customers' premises. The town'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 town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1980 Code, § 13-117)

18-117. Inspections. The town 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 town 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 town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1980 Code, § 13-118)

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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1980 Code, § 13-119)

18-119. Customer's responsibility for violations. Where the town 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. (1980 Code, § 13-120)

18-120. Supply and resale of water. All water shall be supplied within the town exclusively by the town, 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 town. (1980 Code, § 13-121)

18-121. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1980 Code, § 13-122)

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 town.

All private fire hydrants shall be sealed by the town, 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 town a written notice of such occurrence. (1980 Code, § 13-123)

18-123. Damages to property due to water pressure. The town 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 town's water mains. (1980 Code, § 13-124)

18-124. Liability for cutoff failures. The town'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 town has failed to cut off such service.

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

(3) The town 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 town's main.

Except to the extent stated above, the town 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 town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1980 Code, § 13-125)

18-125. Restricted use of water. In times of emergencies or in times of water shortage, the town 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. (1980 Code, § 13-126)

18-126. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town 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 town 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. (1980 Code, § 13-127)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.¹ (1980 Code, § 13-111)

18-128. Surcharge on sewer customers. (1) The surcharge provided in this section, on all sewer customers, shall be for the purpose of providing funds to pay for the new wastewater treatment plant.

(2) The surcharge shall be in the amount of five and 00/100 dollars (\$5.00) per month, per sewer customer. (Ord. #87-003, Aug. 1987)

18-129. Procedure for adjustments to water and sewer accounts.

(1) The town will make normal adjustments on customers' accounts when routine errors such as clerical errors and meter reading errors occur.

(2) Other adjustments can be made when approved by the city manager or his designee and a written record shall be made justifying said adjustment and shall be signed by the person requesting same as well as the person granting the adjustment. Adjustments can be made under the following circumstances:

(a) Water leaks. Adjustments for leaks on the customer side of the meter will be limited to two (2) consecutive billing periods for any one (1) leak. There will be only one (1) water leak adjustment in any twelve (12) month period. A signed affidavit that the leak has been repaired is required before any adjustment can be made. The affidavit should be by the plumber making the repair. Adjustments will be made by calculating the average bill, in gallons, and taking that amount from the total amount used. All over the average bill will be charged at a discount rate that will include all costs to the town. This cost will come from an annual audit. The customer's bill will then be the total of the average bill and the excess at the discount rate. When doing this adjustment for a leak over two (2) consecutive months, each month will be done individually.

(b) Sewer adjustments. Sewer bills will be adjusted to an average annual bill when water leaking does not go into sewer system. An example of not going into sewer would be a leaking pipe underground. An example of going into the sewer would be a leaking faucet. Adjustments will be made by calculating the average bill, in gallons, and taking that amount from the total amount used. All over the average bill will be charged at a discount rate that will include all costs to the town. This cost will come from the annual audit. Sewer adjustments are also limited to two (2) consecutive billing periods per leak. There will be only one (1) sewer leak adjustment in any twelve (12) month period. The town can require the customer to prove that the leak did not go into the sewer system. When doing this adjustment for a leak over two (2) consecutive months, each month will be done individually.

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

(c) Swimming pools. There will be one (1) adjustment per calendar year for filling swimming pools. The adjustment will be made for sewer only and will not be adjusted below the annual average bill of the customer. The adjustment will be based on the pool capacity of water, in gallons.

(d) Unusual circumstances. There may arise unusual or extreme conditions of water use that may call for the adjustment of the sewer fee. This should be handled on the same bases as swimming pools as in (c) above.

(e) Consumptive use. The volume of water which is used in calculation of sewer use charges may be adjusted by the town if the user purchases a significant volume of water for consumptive use and does not discharge it into the public sewer. The user shall be responsible for documenting the quantity of waste discharged to the public sewer by purchasing a meter to be placed on the sewer lateral where it discharges into the town's trunk line. The user shall be responsible for the costs of the meter, installation, and any and all maintenance. The town shall have access to the property for inspection and the meter will be calibrated and/or replaced or repaired at the request of the town. (Ord. #98-003, May 1998, as amended by Ord. #2008-007, June 2008)

CHAPTER 2

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

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18-201. 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 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

¹Municipal code reference

Plumbing code: title 12, chapter 2.

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. (1980 Code, § 8-301)

18-202. 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. (1980 Code, § 8-302)

18-203. 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. (1980 Code, § 8-303)

18-204. 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. (1980 Code, § 8-304)

18-205. 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. (1980 Code, § 8-305)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1980 Code, § 8-306)

18-207. 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. (1980 Code, § 8-307)

18-208. 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 § 18-202, or the agent of the owner to provide such facilities. (1980 Code, § 8-308)

18-209. 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. (1980 Code, § 8-309)

18-210. 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. (1980 Code, § 8-310)

18-211. 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. (1980 Code, § 8-311)

18-212. 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, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1980 Code, § 8-312)

18-213. 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. (1980 Code, § 8-313)

18-214. 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. (1980 Code, § 8-314)

18-215. 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. (1980 Code, § 8-315)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Compliance with Tennessee Code Annotated.
- 18-303. Regulated.
- 18-304. Statement required.
- 18-305. Applicability.
- 18-306. Inspections/surveys.
- 18-307. Backflow prevention determination.
- 18-308. Approved backflow prevention assemblies and methods.
- 18-309. Backflow prevention assembly installation requirements.
- 18-310. Existing backflow prevention assemblies.
- 18-311. Assembly performance evaluations and testing.
- 18-312. Corrections of violations.
- 18-313. Non-potable supplies.
- 18-314. Conflicting provisions.
- 18-315. Penalties.
- 18-316. Responsibility for water system.
- 18-317. Inspection and testing fees.
- 18-318. Thermal expansion control.
- 18-319. Water heater temperature--pressure relief valves.
- 18-320. Safety standards--duplicate equipment in parallel required.

18-301. Definitions. (1) "Air gap." A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

(2) "Approved air gap." An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one inch (1").

(3) "Approved." Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and Water Provider.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(4) "Auxiliary intake." Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

(5) "Auxiliary water supply." Any water supply on or available to the premises other than water supplied by the public water system.

(6) "Backflow." The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a potable water system from any source.

(7) "Backpressure." A pressure in the downstream piping that is higher than the supply pressure.

(8) "Backsiphonage." Negative or sub-atmospheric pressure in the supply piping.

(9) "Backflow prevention assembly." An approved assembly designed to prevent backflow.

(10) "Bypass." Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

(11) "Contamination." The introduction or admission of any foreign substances that causes illness or death.

(12) "Contaminant." Any substance introduced into the public water system that will cause illness or death.

(13) "Cross-connection." Any physical arrangement whereby public water supply is connected, directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of contaminating the public water supply as result of backflow caused by the manipulation of valves, because of ineffective check valves or backpressure valves or because of any other arrangement.

(14) "Cross-connection control coordinator/manager." The person who is vested with the authority and responsibility for the implementation of the cross-connection control program and for the provision of this chapter/policy.

(15) "Customer." Any natural or artificial person, business, industry, or governmental entity that obtains water, by purchase or without charge, from the water provider.

(16) "Direct cross-connection." An actual or potential cross-connection subject to backsiphonage and backpressure.

(17) "Double check detector assembly." A specially designed assembly composed of line size approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to three (3) gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

(18) "Double check valve assembly." An assembly of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

(19) "Failed." The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

(20) "Fire system classifications protection." The classes of fire protection systems, as designated by the American Water Works Association "M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

(a) Class 1: Direct Connection to the public main 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 well or other safe outlets.

(b) Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

(c) Class 3: Direct connection to public water supply mains in addition to any one (1) or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

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

(e) Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

(f) Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(21) "Hazard, degree of." A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

(22) "Hazard, health." A cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, caused death, illness, and spread disease also known as a high hazard.

(23) "Hazard, plumbing." A cross-connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or backflow prevention assembly.

(24) "Hazard, non-health." A cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply also known as low hazard.

(25) "Indirect cross-connection." An actual or potential cross-connection subject to backsiphonage only.

(26) "Industrial fluid." Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling tower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water systems; oil, gases, glycerin, paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

(27) "Inspection." An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protect the public water system from actual or potential cross-connections.

(28) "Interconnection." Any system of piping or other arrangement whereby a public water supply is connected directly with a sewer, drain, conduit, or other device, which does, or may carry sewage or not.

(29) "Passed." The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

(30) "Performance evaluation." An evaluation of an approved double check valve assembly or reduced pressure principle assembly (including approved director assemblies) using the latest approved testing procedures in determining the status of the assembly.

(31) "Pollutant." A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

(32) "Pollution." The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

(33) "Potable water." Water that is safe for human consumption as prescribed by Tennessee Department of Environment and Conservation, Division of Water Supply.

(34) "Public water supply." An entity that furnishes potable water for general use and which is recognized as the public water supply by Tennessee Department of Environment and Conservation, Division of Water Supply.

(35) "Pressure vacuum breaker assembly." An assembly consisting of one (1) or two (2) independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge

side of the check valve(s), with tightly closing shutoff valve(s) on each side of the check valves and properly located test cocks for testing valves. This assembly is approved for internal use only and is not approved for premise isolation by the State of Tennessee.

(36) "Public water system." A water system furnishing water to the public for general use which is recognized as a public water supply by the State of Tennessee.

(37) "Reduced pressure principle assembly." An assembly consisting of two (2) independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two (2) tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

(38) "Reduced pressure principle detector assembly." A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to three (3) gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

(39) "Service connection." The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water. "Service connection" shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

(40) "State." The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

(41) "Survey." An evaluation of a premise by a water system performed for the determination of actual or potential cross-connection hazards and the appropriate backflow prevention needed.

(42) "Water system." The water system operated, whether located inside or outside, the corporate limits thereof, 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 production, treatment, storage, and distribution of water, and shall include all those facilities of the water system under the complete control of the water department up to the point where the customer's system begins (i.e. downstream of the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use. (1980 Code, § 8-401, as replaced by Ord. #2012-017, Dec. 2012)

18-302. Compliance with Tennessee Code Annotated. The public water system is to comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules of Public Water Systems, legally adopted in accordance with this policy/ordinance, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective, ongoing program to control these undesirable water uses. (1980 Code, § 8-402, as replaced by Ord. #2012-017, Dec. 2012)

18-303. Regulated. No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation and the operation of such cross-connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the cross-connection control manager/coordinator of the public water system.

(1) No water service connection to any premises shall be installed or maintained by water system unless the water supply is protected as required by this policy/ordinance. Service of water to any premises shall be discontinued by the water system if a backflow prevention assembly required by this policy is not properly installed, tested, and/or maintained; or if it is found that a backflow prevention assembly 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 correct.

(2) Prior to execution any work order for a new customer, or for any change in service to an existing customer, notification shall be given to the office of the cross-connection control. Inspectors from the cross-connection control office shall make immediate determination in writing to the customer of the type of backflow prevention assembly needed. Water service shall not be established or maintained until all necessary backflow prevention assemblies are installed.

(3) 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 water system.

(4) If, in the judgment of the cross-connection manager/coordinator or designee, an approved backflow prevention assembly 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 assembly(s) at the customer's expense.

(5) An approved backflow prevention assembly 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.

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

(7) For all existing premises, personnel from the water system shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this policy/ordinance.

(8) For existing installations, the cross-connection manager/coordinator may cause water service to be discontinued until such time as the customer complies with all requirements of state law and this policy/ordinance.

(9) For new commercial or industrial construction or renovation of a commercial or industrial property the cross-connection coordinator/manager or inspector shall inspect the site and review plans in order to determine the type(s) of backflow prevention assembly and notify the owner(s) in writing the type of required assembly(s). Such assembly(s) shall be tested within: three (3) days upon connection to water system. (Time depends on hazard and risk.)

(10) The customer shall install approved assembly(s) at their expense. Failure, refusal, or inability on the part of the customer to install, and maintain such an assembly shall be cause for discontinuance of, or refusal of, water service to the premises until such requirements are satisfactorily met.

(11) No installation, alteration or change(s) shall be made to any backflow prevention assembly connected to the public water system without first securing permission from the cross-connection manager/coordinator.

(12) All backflow prevention assemblies will be inspected after installation for compliance with all requirements of this policy. Failure to meet all installation and testing requirements shall be cause for discontinuance of, or refusal of, water service to the premises until such requirements are satisfactorily met.

(13) It shall be unlawful to install or allow any unprotected takeoffs from the water service line ahead of any meter or backflow prevention assembly located directly after the service connection to a customer's water system. (1980 Code, § 8-403, as replaced by Ord. #2012-017, Dec. 2012)

18-304. Statement required. That any person whose premises are supplied with water from public water system, and who also has on the same premises a separate source of water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with public water system a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-

connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1980 Code, § 8-404, as replaced by Ord. #2012-017, Dec. 2012)

18-305. Applicability. The requirements contained herein shall apply to all customers and premises of the public water system, and is hereby made a condition required to be met before water service is provided to any customer. This policy/ordinance shall be strictly enforced since it is essential for the protection of the public water supply against contamination and pollution. (1980 Code, § 8-405, as replaced by Ord. #2012-017, Dec. 2012)

18-306. Inspections/surveys. (1) The cross-connection manager/coordinator 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 reinspection based on potential health hazards involved shall be established by the cross-connection manager/coordinator in accordance with guidelines acceptable to the division of water supply.

(2) **Right of entry.** (a) The cross-connection manager/coordinator or designee shall have the right to enter at any reasonable time any property served by a connection to the public water system for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant or any property so served shall furnish any pertinent information regarding the piping system on the property. The refusal of such information or refusal of access, when requested, shall be deemed as evidence of the presence of connections.

(b) When cross-connections, other structural or sanitary hazards, or any violation of this becomes known, the cross-connection manager/coordinator or designee may deny or discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with this policy/ordinance. (1980 Code, § 8-406, as replaced by Ord. #2012-017, Dec. 2012)

18-307. Backflow prevention determination. An approved prevention assembly shall be installed on each service line to a customer's premises and in all cases, before the first branch line leading off the service line. If it is impractical or easily altered to provide an effective air gap separation which will be determined by the cross-connection control manager/coordinator or designee. Backflow device must be installed before any branch lines are tapped after the customers meter.

(1) All premises listed as high risk high hazard including industrial fluids, sewage, or any other non-potable substances are handled in such a manner as to create actual or potential health hazard to the water system.

(2) All premises listed with actual or potential cross-connections listed in approved plan criteria list.

(3) Premises having auxiliary water supply, including but not limited to a well, cistern, spring, pond, river, or creek that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the cross-connection control manager/coordinator or designee.

(4) The plumbing from a private well or other water supply entering the building served by the public water supply, or is connected, directly or indirectly, to the public water supply.

(5) The owner or occupant of the premises cannot, or is not willing to demonstrate that the water use and protective features of the plumbing are such that frequent alterations are made to the plumbing.

(6) The nature and mode of operation within the premises is such that frequent alterations are made to the plumbing.

(7) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

(8) There is a likelihood that protective measures may be subverted, altered, or disconnected.

(9) Any premises having service and fire flow connections, most commercial and educational buildings, construction sites, all industrial and medical facilities, lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, auxiliary water supplies, and wastewater treatment plants.

(10) Any premises having fountains, water softeners, or other point of use treatment systems, hot tubs or spas, or other type(s) of water using equipment.

(11) Premises otherwise determined by the cross-connection control manager/coordinator or designee to create an actual or potential hazard to the public water system.

(12) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential health hazard to public water system, the public water system shall be protected by an air gap separation (at the discretion of water provider to allow) or a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(13) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(14) A backflow prevention assembly shall be installed on each fire service line at the property line or immediately inside the building being served,

but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(a) Class 1, 2, and 3 fire protection systems shall require at minimum a double check valve (detector) assembly; provided however, that a reduced pressure principle (detector) shall be required:

(i) Underground fire sprinkler pipelines are parallel to and within ten feet (10') horizontally of pipelines carrying waste water or significantly toxic wastes; or

(ii) Premises having unusually complex piping systems;

(iii) The pumpers connecting to the system have corrosion inhibitors or other chemical added to the tanks of the fire trucks;

(iv) The piping system(s) has corrosive inhibitors or other chemical added to prevent freezing;

(v) An auxiliary water supply exists with one thousand seven hundred feet (1,700') of any likely pumper connection.

(b) Class 4, Class 5, Class 6 fire protection systems shall require an air gap, or a reduced pressure principle assembly (detector) as determined by the cross-connection control manager/coordinator or designee.

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

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

(e) The cross-connection control manager/coordinator may require internal or additional backflow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

(15) In the case of any premises with an auxiliary water supply as set out in § 18-310 and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

(16) Double check valve assemblies (and detectors) may only be used for Class 1-3 fire protection systems (at the discretion of water provider to even allow).

(17) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential hazard to public water system, the public water system shall be protected by a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

(18) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by a reduced pressure principle assembly (detector) or air gap

separation (at the discretion of water provider) assembly on each service line to the premises.

(19) In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(20) In the case of any premises where toxic substances are present that could pose an undue health hazard, the cross-connection control manager/coordinator or designee will require an air gap separation or reduced pressure principle assembly at the service connection to protect the public water system. (1980 Code, § 8-407, as replaced by Ord. #2012-017, Dec. 2012)

18-308. Approved backflow prevention assemblies and methods.

(1) All backflow prevention assemblies shall be fully approved and listed as acceptable by the State of Tennessee as to manufacture, model, size, application, orientation, and alterations. The assembly must have a status of passed determined by performance evaluations to suffice as an approved backflow prevention assembly. The method of installation of backflow prevention devices shall comply with installation criteria set forth by this policy/ordinance and the State of Tennessee. Installation shall be at the sole expense of the owner or occupant of the premises.

(2) The type of protective assembly required by this policy/ordinance shall depend on the degree of hazard that exists. Reduced pressure principle assemblies (detector) may be used for health hazards and non-health hazards. Double check valve assemblies (detector) may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

(3) Pressure vacuum breakers, spill-resistant vacuum breakers, and atmospheric vacuum breakers are not allowed for premise isolation and will not satisfy the requirements of this policy/ordinance for adequate backflow prevention due in part to the inability to protect against backpressure. (1980 Code, § 8-408, as replaced by Ord. #2012-017, Dec. 2012)

18-309. Backflow prevention assembly installation requirements.

Minimum acceptable criteria for installation of backflow prevention assemblies shall include the following:

(1) All backflow prevention assemblies shall be installed at minimum in the approved orientation as indicated by the latest approved list.

(2) All new assemblies installed must be on the approved assemblies list maintained by the division of water supply and existing assemblies must have status of approved.

(3) Installation of assemblies shall be performed by person granted authority by the water provider. All backflow prevention assemblies installed

fire protection systems must be performed by persons possessing a fire sprinkler contractor license. Evidence of current certifications/license must be on file with the cross-connection control manager/coordinator before any installation or testing of the devices can be performed.

(4) All assemblies shall be installed in accordance with the manufacturer installation instructions and by the State of Tennessee installation guide, from the state manual or policies on cross-connection control, unless such instructions are in conflict with this policy, in which case the policy/ordinance shall control, and shall possess all test cocks and fittings required for testing the assembly. All test cocks will be fitted with adapters and all fittings shall permit direct connection to test kits used by the department.

(5) The entire assembly including test cocks and valves shall be easily accessible for testing and repair and shall meet all confined space requirements of OSHA/TOSHA.

(6) Reduced pressure backflow prevention assemblies shall be located so that the relief valve discharge port is a minimum of twelve inches (12"), plus nominal diameter of the supply line, above the floor surface. The maximum height above the floor surface shall not exceed sixty inches (60").

(7) Clearance of devices from wall surfaces or other obstructions shall be a minimum of six inches (6"); or if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four inches (24").

(8) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging substance.

(9) Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the department.

(10) Devices shall be located in an area free from submergence or flood potential and cannot be placed in a pit.

(11) All devices shall be adequately supported to prevent sagging.

(12) An approved strainer, fitted with a test cock, shall be installed immediately upstream of all backflow prevention assemblies or shut-off valve, except on fire lines, using only non-corrosive fittings (e.g. brass or bronze) in the device assembly.

(13) Gravity drainage is required on all installations. Below ground installations shall not be permitted for reduced pressure principle assemblies (detectors).

(14) Fire hydrants drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that backsiphonage or backflow through the drain may occur.

(15) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump shall be on the downstream side of any check valve or backflow prevention

assembly. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or backflow prevention assembly a backflow prevention assembly of the same type(s) required on the main line shall be installed on the supply line.

(16) Fixed position, high volume line pumps shall be equipped with suction limiting control to modulate the pump if the residual line pressure reaches 20 psi. If line pressure drops below 20 psi, the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and report of the test must be sent to the office of cross-connection control. (1980 Code, § 8-409, as replaced by Ord. #2012-017, Dec. 2012)

18-310. Existing backflow prevention assemblies. (1) All presently installed backflow prevention assemblies which were previously acceptable to the State of Tennessee that complies with installation testing, and maintenance requirements of this policy/ordinance and in the sole discretion of the cross-connection control manager/coordinator or designee adequately protect the public water system from backflow and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

(2) Location or space requirements shall not be cause for relocation or replacement of any backflow prevention assembly that is presently installed in a vertical run of pipe shall be replaced, reinstalled, in an approved manner in a horizontal run of pipe.

(3) Whenever an existing assembly is moved from the present location, or when the inspector finds that the conditions of the assembly constitutes a health hazard, the unit shall be replaced by the backflow prevention assembly meeting the requirements of this policy/ordinance. (1980 Code, § 8-410, as replaced by Ord. #2012-017, Dec. 2012)

18-311. Assembly performance evaluations and testing. (1) All assemblies used to protect the public water system must be tested every twelve (12) months. In those instances where the cross-connection manager/coordinator deems the hazard to be great enough performance evaluation may be required at more frequent intervals.

(2) Any assembly not tested with twelve (12) month period will be deemed not approved and have a status of failed. The customer will be sent notification of that the assembly is not in compliance with this ordinance or policy.

(3) All assemblies must be deemed passed for each initial and subsequent annual performance evaluations to satisfy as approved backflow prevention assembly.

(4) All assemblies will be tested by backflow prevention assembly tester possessing a valid (see definition) certificate of competency in testing and evaluation backflow prevention assemblies issued by the State of Tennessee.

(5) All performance evaluations must be performed with an annually certified test kit.

(6) Certifications for test kits are valid for one (1) year after certification is performed. If the test kit is not decertified after one (1) year, it is deemed expired.

(7) Test kits must be certified annually and the backflow prevention assembly tester must show proof of certification from manufacturer-approved entities. No performance evaluations will be accepted from a backflow prevention assembly tester with an expired test kit certification.

(8) Proof of annual test kit certification and certificate of competency must be kept on file for each tester by water provider.

(9) Backflow prevention assembly testers must test and evaluate according to the latest division of water supply's latest approved procedures for reduced pressure principle assembly and the double check valve assembly.

(10) If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly is deemed failed and does not suffice as an approved backflow prevention device. If conditions around the assembly do not allow the assembly to be tested, the assembly fails the assembly performance evaluation and is marked failed on test report. (Examples would include assembly is submerged, test cocks missing or plugged, relief valve continually discharging.)

(11) Backflow prevention assemblies are deemed passed if all parts of the performance evaluation meet the requirements in the approved testing procedure.

(12) Each location requiring an assembly will have a documented backflow prevention assembly, if the assembly at the address cannot be identified or is not the same, the water provider will be notified and a determination of which assembly is used for protection of the water system. (All areas that need protection will be listed by address and location along with the serial number of device.)

(13) Test reports must be completely and accurately documented and the appropriate evaluation (passed or failed) determined from testing procedure. Any test report that is not recorded completely in the sections pertinent to the results of the performance evaluation tests will not be accepted by the public water system.

(14) All performance evaluations on file will be recorded on an (state and water system) approved test report.

(15) Assemblies must be tested when installed and after every repair. Backflow prevention assemblies on lawn irrigation systems must be tested when assemblies are placed in service after winterization (to prevent testing just prior to winterization). If lawn irrigation backflow assemblies are taken removed to winterize the system, upon startup of the system, the assemblies must be retested.

(16) Failure to maintain a backflow prevention assembly that is deemed passed shall be grounds for discontinuance of water service. The removal, bypassing, or altering of a protective device or installation, without the approval of the cross-connection control manager/coordinator or designee, thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction this ordinance/policy and the cross-connection control manager/coordinator or designee.

(17) The water system shall require the occupant of the premises to keep the backflow prevention assembly working properly and a status of passed. Repairs shall be made by qualified personnel acceptable to the water system within the time limits set forth by this policy. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention assembly in proper working order and a status of passed shall be grounds for discontinuance of water service.

(18) The backflow prevention assembly must be tested after every repair and have a status of passed to be in compliance with this policy/ordinance.

(19) Cross-connection control manager/coordinator or designee shall have the right to inspect and test any assemblies whenever it is deemed necessary. Water service shall not be disrupted to the assembly without the knowledge of the occupant of the premises.

(20) Provision should be made for fire sprinkler testing; if third party testing is allowed, no problem, however if the utility or municipality should elect to test all assemblies an allowance should be given for fire sprinkler contractors to test in accordance to division of fire prevention regulations. Those with fire sprinkler license will also be required to have a valid certificate of competency and all other requirements set forth by this policy/ordinance.

(21) Any backflow prevention assembly tester found by the water system to be negligent in performing testing procedures or falsifying documentation in regards to a backflow prevention assembly will not be allowed continued approval to submit test reports. The water system may allow the backflow prevention assembly tester to perform testing at a later date at the discretion of the cross-connection control manager/coordinator or designee.

(22) Backflow prevention assembly testers must have approval from the Bluff City water system before any test reports are accepted. The Bluff City water system will issue a copy of the latest approved ordinance/policy from the Bluff City water system and require the signature of the tester acknowledging requirements and responsibilities before allowance of submittal of test reports.

(23) All performance evaluations, tests, and repairs shall be at the expense of the customer and shall be performed by backflow prevention assembly testers that satisfy all requirements of this ordinance/policy.

(24) Original records of evaluations and repairs shall be supplied to the cross-connection control manager/coordinator or designee for retention. (as added by Ord. #2012-017, Dec. 2012)

18-312. Corrections of violations. (1) Any customer having cross-connections, auxiliary intakes, bypasses or interconnection(s) in violation of this ordinance/policy shall, after a thorough investigation of existing conditions and an appraisal of the time required complete the work within the time designated by the cross-connection control manager/coordinator or designee, but in no case shall the time for correction exceed ninety (90) days for high and low hazards or fourteen (14) days for high risk high hazards.

(2) Failure to comply with any order of the cross-connection control manager/coordinator or designee within the time set out therein shall result in the termination of water service.

(3) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found to constitute a high risk high hazard, the public water supply (criteria will be needed), the cross-connection control manager/coordinator or designee shall require prompt corrective action (within fourteen (14) days) to be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping systems unless the extreme hazard is corrected immediately.

(4) Failure to correct conditions threatening the safety of the public water system as prohibited by this ordinance or Tennessee Code Annotated, § 68-221-711, within the time limits set by the cross-connection control manager/coordinator or designee or this ordinance/policy, shall be cause for denial or termination of water service. If proper protection is not provided after times set forth in this policy/ordinance, the cross-connection control manager/coordinator or designee shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such a manner that the two (2) systems cannot be connected by an unauthorized person.

(5) Direct language providing length of time for correction of violations for failed or nonexistent protection on extreme high hazard and high hazard and the letters sent. No more than ninety (90) days.

(6) In the event that a backflow prevention assembly is deemed failed (initial or annual performance evaluation), failure to install backflow prevention assemblies as requested by the water system, or there are deficiencies in the installation from failure to conform to the installation criteria specified in this ordinance or from deterioration, then the cross-connection control manager/coordinator or designee shall issue a written notice of failure or deficiency (within three (3) days). The time limit is dependent on risk of contamination and may not be greater than ninety (90) days. (as added by Ord. #2012-017, Dec. 2012)

18-313. Non-potable supplies. (1) Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases which could be used for potable or domestic purposes shall be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(2) The minimum acceptable sign shall have black letters at least one inch (1") high on red background.

(3) Color coding of piping in accordance with the Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the inspector, such color coding is necessary to identify and protect the potable water supply. (as added by Ord. #2012-017, Dec. 2012)

18-314. Conflicting provisions. If any provision of this ordinance/policy is found to conflict with any provision of any other ordinance/policy, then the provision of the ordinance comprising this chapter shall control. That should any part, or parts of this ordinance/policy be declared invalid for any reason, no other part, or parts, of this chapter shall be affected thereby. (as added by Ord. #2012-017, Dec. 2012)

18-315. Penalties. Any person responsible for a violation of this policy/ordinance may be subject to a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) each day a violation occurs shall constitute a separate offense. In addition to the foregoing fines and penalties, the cross-connection control manager/coordinator or designee shall discontinue the public water service at any premise upon connection and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued.

Independent of and in addition to fines penalties imposed, the cross-connection control manager/coordinator 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. #2012-017, Dec. 2012)

18-316. Responsibility for water system. (1) Notwithstanding any provisions of a plumbing code adopted by units of local government having jurisdiction the cross-connection control manager/coordinator or designee shall be responsible for protecting the water system from contamination or pollution due to implementation and enforcement of this policy. Such authority shall extend beyond service connection to whatever extent is necessary to meet the requirements of this policy/ordinance.

(2) The authority to terminate water service for violation of any provision of this policy/ordinance shall rest solely with the cross-connection control coordinator/manager, the assistant or designee shall have authority to take action to protect public health and safety.

(3) This section shall not be construed to prevent other officers or employees of the Bluff City Water System from terminating water service for failure to pay for water service or for violation any other provision of Bluff City Water System policy/ordinance. (as added by Ord. #2012-017, Dec. 2012)

18-317. Inspection and testing fees. (1) Fees for initial or annual certification of a backflow prevention assembly may be published by the office of the city manager based on the recommendation of the cross-connection control manager/coordinator to reflect the cost of processing such certification.

(2) In the event that a backflow prevention assembly is deemed failed after the initial and annual performance evaluations, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this ordinance/policy, or from deterioration, then the cross-connection control manager/coordinator or designee shall issue a written notice of failure or deficiency.

The cross-connection control manager/coordinator may waiver any fees and/or cost that should be appropriately relieved. (as added by Ord. #2012-017, Dec. 2012)

18-318. Thermal expansion control. A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging. (as added by Ord. #2012-017, Dec. 2012)

18-319. Water heater temperature--pressure relief valves. All storage water heaters operation above atmospheric pressure shall be provided with an approved, self-closing (levered) pressure relief and temperature valve or combination thereof, except for nonstorage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in hot water outlet, provided the thermo-bulb extends into the shell of the tank temperature relief valves shall be so located in the tank as to be actuated by water in the top one-eighth (1/8) of the tank served.

For installations with separate storage tank, said, said valve shall be installed on the tank and there shall not be any type of valve installed between the water heater and the storage tank. There shall not be a check valve or shut off valve between a relief valve and the heater or tank which it serves. The relief

valve shall not be used as a means of controlling thermal expansion. (as added by Ord. #2012-017, Dec. 2012)

18-320. Safety standards--duplicate equipment in parallel required. Where the use of water is critical to the continuation of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair a backflow prevention assembly. Until such time as a parallel unit has been installed where the continuance of service is critical, the cross-connection control manager/coordinator or designee shall notify the occupant of the premises, in writing, of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the assembly. (as added by Ord. #2012-017, Dec. 2012)

CHAPTER 4**SEWER USE****SECTION**

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18-401. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Bluff City, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To regulate private disposal systems;
- (4) To regulate holding tank disposal operations;
- (5) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the town's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
- (6) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (7) To enable the Town of Bluff City to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR, Part 403), and other applicable federal, state laws and regulations;
- (8) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the Town of Bluff City must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system

users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the Town of Bluff City and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the city manager or his duly authorized representative shall administer, implement, and enforce the provisions of this chapter. (Ord. #97-016, Jan. 1998)

18-402. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority" - The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(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;

(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 indirect discharge originates.

(4) "Biochemical oxygen demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building drain" - Shall be defined as the building drain which conveys wastewater from the building.

(6) "Categorical standards" - The National Categorical Pretreatment Standards or Pretreatment Standard.

(7) "Chemical oxygen demand (COD)." The measure of the oxygen equivalent of the organic matter of a sample susceptible to oxidation by the dichromate reflex method.

(8) "City" - The Town of Bluff City or the Board of Mayor and Aldermen, Town of Bluff City, Tennessee.

(9) "Compatible pollutant" - Shall mean BOD, suspended solids, oil and grease, pH, fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified by the Town of Bluff City and controlled in this town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

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

(11) "Control authority" - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the manager if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(12) "Customer" - Means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

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

(14) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(15) "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 the said agency.

(16) "Garbage" - Shall mean solid wastes generated from any domestic, commercial or industrial source.

(17) "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.

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

(19) "Incompatible pollutant" - Shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(20) "Indirect discharge" - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(21) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(21a) "Local administrative officer." The administrative officer of the publicly owned treatment works is the city manager. The manager may designate person(s) to serve in his absence when he is unable to perform his

duties. Such instances shall include, but not be limited to, the manager being ill or on vacation.

(21b) "Local hearing authority." The local hearing authority of the town shall be the board of mayor and aldermen for the Town of Bluff City.

(22) "Interference" - The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(23) "Manager." The city manager or his duly authorized representative; the local administrative officer.

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

(25) "NPDES (National Pollution Discharge Elimination System)" - Shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(26) "New source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(27) "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 and the singular shall include the plural where indicated by the context.

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

(28a) "Phenols." The total of the phenolic chemical compounds as analyzed by the AAAP Method and as defined in EPA publication "Methods for Chemical Analysis of Water and Wastes," EPA 600/4-79-020, March 1979.

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

(30) "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 discharge into water.

(31) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

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

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

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

(35) "Shall" - is mandatory; "May" - is permissive.

(36) "Significant industrial user" means

(a) Any discharger subject to National Categorical Pretreatment Standards; or

(b) Any non-categorical discharger that

(i) Has a reasonable potential in the opinion of the control authority or the approval authority to adversely affect the POTW's operation,

(ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment plan, or

(iii) Discharges 25,000 gallons or more of process wastewater.

(37) "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 concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever

duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(37a) "Small industrial user." Any discharger who is not a significant industrial user as defined herein and whose average daily discharge flow is 300 gallons or less and who can document the use of good management practice in the reduction of wastewater volume and strength.

(38) "State" - The State of Tennessee.

(39) "Standard industrial classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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

(41) "Storm sewer or storm drain" - Shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the manager.

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

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

(44) "Twenty-four (24) hour flow proportional composite sample" - A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

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

(46) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(47) "Wastewater treatment systems" - Defined the same as POTW.

(48) "Waters of the state" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #97-016, Jan. 1998)

18-403. Requirements for proper wastewater disposal. (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 service area of the

Town of Bluff City, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Except as provided in § 18-403(5)(6) and (7) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer, in the Town of Bluff City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the 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 any boundary line of said property or as provided further by the city's extension policy for development of property.

(5) A property owner may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(6) Where a public sanitary sewer is not available under the provisions of § 18-403(4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 18-407 and 18-08 of this chapter.

(7) The manager may waive a connection to a public sewer where his review of conditions including topography and accessibility shows such waiver would not violate the public interest or would not be harmful to the health and safety of the residents. (Ord. #97-016, Jan. 1998)

18-404. Physical connection to public sewer. (1) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the manager as required by §§ 18-413 or 18-414 of this chapter.

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

(3) 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(4) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the manager to meet all requirements of this chapter. All others may be sealed to the specifications of the manager.

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

(6) No person shall maintain or make connection of roof downspouts, exterior foundations drains, areaway drains, basement drains, or other sources of surface or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. #97-016, Jan. 1998)

18-405. Inspection of connections. The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the manager and subject to testing before the underground portion is covered. (Ord. #97-016, Jan. 1998)

18-406. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the building sewer as deemed necessary by the manager to meet specifications of the Town of Bluff City. (Ord. #97-016, Jan. 1998)

18-407. Availability of public sewer. (1) Where a public sanitary sewer is not available under the provisions of § 18-403(4) the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8 inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-403, the owner shall provide a private sewage lift station which shall be dedicated to the town and built and/or installed to the town's specifications.

Any of the town's specifications may be waived by the board of mayor and aldermen if they find that a hardship exists that would make it impractical or impossible to follow the specifications. The hardship must be proven by clear

and convincing evidence and that such a waiver would not violate the public interest or would not be harmful to the health and safety of town residents. If a waiver is granted from the specifications, the property owner shall be responsible for the private sewage lift station and all of its maintenance. The cost of the installation, connection and inspection shall be born by the property owners and they shall indemnify the Town of Bluff City for any loss or damage that may be directly or indirectly occasioned by the installation and operation of the private sewage lift station.

(3) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice to do so. The sewer service charge shall commence after connection. If a private sewage lift station is necessary, public sewer will be deemed unavailable, provided that the property owner's septic system is functioning properly. The sewer service charge shall commence after connection or expiration of ninety (90) day notice, whichever comes first. (Ord. #97-016, Jan. 1998, as amended by Ord. #98-014, Dec. 1998, and Ord. #2007-001, Jan. 2008)

18-408. Requirements for private wastewater disposal. (1) A private domestic wastewater disposal system may not be constructed within the Town of Bluff City unless and until a certificate is obtained from the manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Sullivan County Health Department.

(2) Before commencement of construction of a subsurface soil absorption facility, the owner shall first obtain written permission from the Sullivan County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Sullivan County Health Department.

(3) A subsurface soil absorption facility shall not be placed in operation until the installation is completed to the satisfaction of the Sullivan County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Sullivan County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Sullivan County Health Department.

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

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

(6) No statement contained in this section shall be constructed to interfere with any additional requirements that may be imposed by the Sullivan County Health Department. (Ord. #97-016, Jan. 1998)

18-409. Holding tank waste disposal permit. No person, firm, association or corporation shall clean out, drain, or slush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains approval from the manager to perform such acts or services and is licensed by the Sullivan County Health Department. Any person firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said approval shall be issued by the manager when the conditions of this chapter have been met and providing manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Any such approval granted shall be non-transferable. (Ord. #97-016, Jan. 1998)

18-410. Fees for holding tank waste disposal permit. For each permit issued under the provision of section 18-409, a fee, therefore, shall be paid to the city to be set as specified in section 18-444. (Ord. #97-016, Jan. 1998)

18-411. Designated disposal locations. The manager shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation thereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. (Ord. #97-016, Jan. 1998)

18-412. Revocation of permit. Failure to comply with all provisions of this chapter shall be sufficient cause for the revocation of such approval by the manager. The possession within the Town of Bluff City by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of servicing a wastewater septic tank or excreta disposal systems shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the Town of Bluff City. (Ord. #97-016, Jan. 1998)

18-413. Applications for discharge of domestic wastewater. All new users or prospective users which generate domestic wastewater shall make application to the manager for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required form all new discharges as well as for any existing discharge desiring additional

service. Connection to the municipal sewer shall not be made until the application is received and approved by the manager, the tap fee paid in accordance with requirement of section 18-444, the building sewer installed, and an inspection has been performed as required in section 18-405.

The receipt by the Town of Bluff City of a prospective customer's application for service shall not obligate the Town of Bluff City to render the service. If the service applied for cannot be supplied in accordance with this chapter the Town of Bluff City's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the Town of Bluff City to the applicant for such service, except that conditional waivers for additional services may be granted by the manager for interim periods if compliance may be assured within a reasonable period of time. (Ord. #97-016, Jan. 1998)

18-414. Industrial wastewater discharge permits. (1) General requirements. All industrial users proposed to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit within 180 days after the effective date of this chapter.¹

(2) Applications. Applications for wastewater discharge permits shall be required as follows:

(a) Users required to obtain a wastewater discharge permit shall complete and file with the manager application in the form prescribed by the manager, and accompanied by appropriate fee. Existing users shall apply for a wastewater discharge permit within 60 days after the effective date of this chapter,¹ and proposed new users shall apply at least 90 days prior to connecting or to contributing to the POTW.

(b) The application shall be in the prescribed form of the city and shall include; but not be limited to the following information: name, address and SIC number of applicant; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic material handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location, and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the manager.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for

¹These provisions were taken from Ordinance #97-016, which passed second reading January 15, 1998.

wastewater discharge permit, submit plans, specifications, and other pertinent information relative to the proposed construction to the manager for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(d) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by sections 18-416, 18-417, or 18-418 of this chapter.

(e) The following conditions shall apply to the schedule required by paragraph (2)(d) of this section and section 18-431:

(i) 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 categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress shall exceed 9 months.

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

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

(g) The receipt by the manager of a prospective customer's application for wastewater discharge permit shall not obligate the city to

render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

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

(3) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees establishing by the city. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

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

(d) Requirements for installation and maintenance of inspections and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge monitoring reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording city access thereto;

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

(j) Notification requirements for slug discharges, including any discharge that would violate a prohibition under section 18-416.

(k) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

- (l) Statement of duration (in no case more than five years);
- (m) Statement of non-transferability without, at a minimum, prior notification to the POTW; and/or
- (n) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(4) Permit modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by this section 18-414(2)(b) and 18-414(2)(c). The terms and conditions of the permit may be subject to modification by the manager during the term of the permit as limitations or requirements are modified or just cause exists. The user shall be informed of any proposed changes in this permit at least 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.

(5) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(6) Permit transfer. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the manager. Such permit transfer shall not be unduly withheld.

(7) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(8) Review of permit by user. The proposed permit shall be made available to the user 30 days before its effective date with the intention of providing a comment period on the permit conditions. Comments should be received by the manager within one week of the effective date of the permit. If

no requests for a change in the proposed permit has been presented to the manager by the effective date of the permit, the manager shall consider that the permit is acceptable to the user. (Ord. #97-016, Jan. 1998)

18-415. Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests the contrary and is able to demonstrate to the satisfaction of the manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the 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 to governmental agencies for use related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the manager as confidential shall not be transmitted to any governmental agency or to the general public by the manager until and unless prior and adequate notification is given to the user. (Ord. #97-016, Jan. 1998)

18-416. 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 and 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 any 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 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, 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 from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a 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 any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations 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, hazard to life, 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 residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, 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 causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, 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, or damages to the collection system, but in no case wastewater with a temperature at the point of introduction into the POTW which exceeds 60°C (140°F).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

(11) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

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

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

(14) Any trucked or hauled pollutants, except as discharge points designated by the POTW in accordance with sections 18-409 through 18-412.

(15) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. 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 manager and the Tennessee Department of Health and Environment. Industrial cooling water or unpolluted process waters may be discharged on approval of the manager and the State of Tennessee to a storm sewer or natural outlet.

(16) It shall be unlawful to discharge into the city sewer system water other than from a metered water supply, without written permission from the city.

A user, except a small industrial user where explicitly noted and whose permit is issued subject to section 18-421, may not contribute the following substances to the POTW:

(17) Any wastewater having a pH higher than 10.0, or greater as permitted for small industrial user's, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(18) Any waters or wastes containing animal based fats, wax, grease, or oil, whether emulsified or not, in excess of daily average of three hundred and seventy-five (375) mg/l, or greater as permitted for small industrial users, or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred forty (140) degrees (0 and 60 degrees Centigrade).

(19) Any wastewaters containing mineral based oils in excess of one hundred (100) mg/l, or greater as permitted for small industrial users.

(20) Any wastewaters containing biochemical oxygen demand concentration in excess of 2800 mg/l, or greater as permitted for small industrial users, in a 24 hour composite sample.

(21) Any wastewaters containing total suspended solids concentration in excess of 2800 mg/l, or greater as permitted for small industrial users, in a 24-hour composite sample. (Ord. #97-016, Jan. 1998)

18-417. Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table

A - User Discharge Regulations) unless an exception is permitted as provided in this chapter. These user discharge restrictions are established at concentrations which allow a user variations in his wastewater strength throughout a day so long as the average daily limits and maximum daily limits of the user's permit are not exceeded. A grab sample taken at any instant shall not contain any containment I excess of the respective instantaneous maximum concentrations found in Table A. In addition to these instantaneous maximum concentrations, a user in his permit may be assigned average daily limits and/or maximum daily limits based on a methodology used by the city to allocate waste loads to users and to protect the POTW. In such case, the user shall not discharge wastewater which exceeds any of the limits of his/her permit or of this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

TABLE A - USER DISCHARGE RESTRICTIONS

<u>Pollutant</u>	<u>Instantaneous Maximum*</u> <u>Concentration (mg/l)</u>
Arsenic	9.3
Cadmium	0.69
Chromium (total)	16.8
Copper	9.4
Cyanide	6.5
Lead	3.0
Mercury	0.18
Nickel	3.9
Phenols (by 4AAP Method)	3.20
Silver	5.3
Zinc	11.4

*Based on a single grab sample at any time. (Ord. #97-016, Jan. 1998)

18-418. Protection of treatment plant influent. The manager shall monitor table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds 80 percent of the levels established by this table, the manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The manager shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed,

there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

TABLE B - PROTECTION CRITERIA

Parameter	Maximum Concentration (mg/l) (24-Hour Flow Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum Dissolved (Al)	15.0	30.0
Arsenic (As)	0.11	0.22
Boron (B)	0.05	0.10
Cadmium (Cd)	0.005	0.01
Chromium, Total	0.35	0.70
Copper (Cu)	0.18	0.36
Cyanide (CN)**	0.14	0.28
Lead (Pb)	0.09	0.18
Manganese (Mn)	10.0	20.0
Mercury (Hg)	0.007	0.014
Nickel (Ni)	0.12	0.24
Phenols**	0.20	0.40
Silver (Ag)	0.08	0.16
Toluene**	0.05	0.10
Zinc (Zn)	0.34	0.68
COD	*	*
BOD	*	*

* Not to exceed the design capacity of treatment works.

** For these parameters a minimum of 4 grab samples must be used in lieu of a flow proportional composite sample. (Ord. #97-016, Jan. 1998)

18-419. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. #97-016, Jan. 1998)

18-420. Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of

sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and Environment and/or the United States Environmental Protection Agency. (Ord. #97-016, Jan. 1998)

18-421. Special agreements. Noting in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (Ord. #97-016, Jan. 1998)

18-422. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-416 and 18-417 of this chapter. Exceptions can be granted according to the following guidelines:

(a) The manager shall allow applications for temporary exceptions at any time. However, the manager shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the Town of Bluff City.

(b) All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the manager in his review of the application. Any appeals shall be presented to the board of mayor and aldermen. The decision by this board of mayor and aldermen shall be considered final.

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

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

- (a) Interfere with the normal collection and operation of the wastewater treatment system;
- (b) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or
- (c) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

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

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

(3) Review of application by the manager. All applications for an exception shall be reviewed by the manager. If the application does not contain sufficient information for complete evaluation, the manager shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the manager to correct such deficiencies and thirty (30) days following notification by the manager to correct such deficiencies and thirty (30) more days if approval is request from the state. This thirty (30) day period may be extended by the manager upon application and for just cause shown. Upon receipt of a complete application, the manager shall evaluate same within thirty (30) days and shall submit his recommendations to the board of mayor and aldermen at its next regularly scheduled meeting.

(4) Review of application by the city. The board of mayor and aldermen shall review and evaluate all applications for exceptions and shall take into account the following factors:

- (a) Whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in sections 18-416, 18-417, and 18-418 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (b) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;
- (c) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the

treatment works' influent and the design capability of the treatment works;

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

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

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

(g) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge. (Ord. #97-016, Jan. 1998)

18-423. Accidental discharges. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter such as from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities and/or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the manager before the facility is constructed.

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

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the manager (or his designated official) by telephone to enable countermeasures to be taken by the manager to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, fish kills, or any other damage to person or property;

nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(4) Slug control plan. At least once every two years, the POTW shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The results of such activities shall be available to the approval authority upon request. If the POTW decides that an accident or slug control plan is needed, the plan shall contain, at a minimum, the following elements:

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

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 18-416, with procedures for follow-up written notification within five days;

(d) Any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, and worker training;

(e) Any necessary measures for building containment structures or equipment;

(f) Any additional measures necessary for containing toxic organic pollutants (including solvents);

(g) Any necessary procedures and equipment for emergency response;

(h) Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment. (Ord. #97-016, Jan. 1998)

18-424. Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the manager.

When, in the judgment of the manager, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the manager may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the manager, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by the manager before installation.

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

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

Whether constructed on public or private property, the monitoring facility shall be constructed in accordance with the manager's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the manager, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the manager. (Ord. #97-016, Jan. 1998)

18-425. Inspection and sampling. The manager shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or a representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The manager or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment. (Ord. #97-016, Jan. 1998)

18-426. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional, in accordance with 40 CFR 403.12(b)(6) and (l). (Ord. #97-016, Jan. 1998)

18-427. Periodic compliance reports. (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the manager during the months of March and September, unless required more frequently in the pretreatment standard or by the manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(2) The manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(3) The reports required by this section shall include certification requirements per 40 CFR 403.12(1) and shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the manager, of pollutants contained therein which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the manager. Sampling shall be performed in accordance with 40 CFR 403.12. Analyses of these samples shall be conducted by an independent laboratory approved by the manager or by on premises

analysis for industrial users who can satisfactorily demonstrate such capabilities to the manager. (Ord. #97-016, Jan. 1998)

18-428. Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(1) A chain of custody form acceptable to the board which includes the date, exact place, method, time of sampling, the names of the persons taking the samples, and a record of handling up to and including delivery to and receipt by an analytical laboratory.

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

The industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the manager, director of the division of water quality control of the Tennessee Department of Health and Environment, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when required by the manager, the approval authority, or the environmental protection agency. (Ord. #97-016, Jan. 1998)

18-429. Safety. While performing the necessary work on private properties, the manager or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to employees of the city or its agents and the city shall indemnify the company against loss or damage to its property by employees of the city or its agents and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (Ord. #97-016, Jan. 1998)

18-430. Complaints and orders. Whenever the local administrative officer of any pretreatment agency has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer acting in accordance with the enforcement response plan may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision or

provisions of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the local hearing authority. One or more of the following orders may be issued for a given violation:

(1) Cease and desist order. When the manager finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the manager may issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

(a) Immediately halt illegal or unauthorized discharges;

(b) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(2) Compliance order. The manager may issue an order to the noncompliant industrial user to achieve or restore compliance with their permit by a date specified in the order. The compliance order may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation and proper operation of pretreatment technology, additional self-monitoring, and management practices.

(3) Consent order. The manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

(4) Show cause order. (a) The manager may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the manager why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the manager regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days before the hearing.

(b) The manager may itself conduct the hearing and take the evidence, or may designate the wastewater treatment plant supervisor or pretreatment coordinator to:

(i) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(ii) Take the evidence.

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the manager for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the charge set by the manager to cover the costs of preparation.

(d) After the manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Failure of the manager to issue any order to violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

Any order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-432 no later than thirty (30) days after the date such order is served; provided, however, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments. (Ord. #97-016, Jan. 1998)

18-431. Submission of time schedule. When the manager finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the manager shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the manager within 30 days of the issuance of any order and shall comply with section 18-414(2)(e). (Ord. #97-016, Jan. 1998)

18-432. Pretreatment enforcement hearings and appeals. The local hearing authority shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by the local administrative officer, or permit revocations or modifications by him; and affirm modify, or revoke such actions or orders of the local administrative officer. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

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

(2) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting in order to conduct the hearing herein provided;

(3) A verbatim record of the proceedings of such hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision (3) if this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(4) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of the county in which the pretreatment agency is located shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof;

(5) Any member of the local hearing authority may administer oaths and examine witnesses;

(6) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairman;

(7) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (2); and

(8) Any person to whom an emergency order is directed pursuant to section 18-434 shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, the chancery court pursuant to the common law writ of certiorari set out in paragraph 27-8-101 of the Tennessee Code Annotated, within sixty (60) days from the date such order or determination is made. (Ord. #97-016, Jan. 1998)

18-433. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the Town of Bluff City, Tennessee the city's attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county. (Ord. #97-016, Jan. 1998)

18-434. Emergency termination of sewer service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the manager presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the manager or in his absence the person then in charge of the treatment works shall immediately notify the board of mayor and aldermen of the nature of the emergency. The manager shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the board of mayor and aldermen or such members of the board of mayor and aldermen as may be available, the manager shall temporarily terminate the sewer service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the manager as soon as the emergency situation has been abated or corrected. (Ord. #97-016, Jan. 1998)

18-435. Termination of water service for non-compliance with certain sections. As an additional method of enforcing the provisions of this chapter, the city shall have the right to discontinue water service to any water customer of the city who is in violation; provided, however, that before discontinuance of water service, the city shall give such person ten (10) days notice that water service will be discontinued; and provided further, that water service shall be resumed upon a satisfactory showing being made to the city that arrangements have been made for compliance with the provisions of such sections. (Ord. #97-016, Jan. 1998)

18-436. Public nuisances. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the manager as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall

be subject to the provisions of the city codes or ordinances governing such nuisance. (Ord. #97-016, Jan. 1998)

18-437. Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the manager shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (Ord. #97-016, Jan. 1998)

18-438. Damage to facilities. When a discharge of wastes causes an obstruction damage, or any other physical or operational impairment to POTW, the manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (Ord. #97-016, Jan. 1998)

18-439. Civil liabilities. Any person or user who violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent, limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The city may sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (Ord. #97-016, Jan. 1998)

18-440. Annual publication of significant violators. A list of significant violations of these regulations during the previous 12 months shall be published annually by the authority in the Bristol Herald Courier. Such publication may also summarize any enforcement action taken against such entity listed during the same 12-month period. For the purpose of this provision, significant violations shall be those that meet one or more of the following criteria:

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

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit, or the average limit times the applicable TRC (TRC=1.4 or 40% over the

limit, for BOD, TSS, fats, oil and grease; and 1.2, or 20% over the limit, for all other pollutants except pH);

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

(4) 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;

(5) Violation, by ninety days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports within thirty days of the due date; such reports include baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Violations which remain uncorrected 45 days after notification of non-compliance;

(9) Violations that are part of a pattern of noncompliance over a 12-month period; or

(10) Any other violation or group of violations which the control authority considers to be significant. (Ord. #97-016, Jan. 1998)

18-441. Civil penalties. Any user who is found to have violated an order of the manager or who failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, may be fined not less than one hundred and 00/100 dollars (\$100.00) nor more than ten thousand and 00/100 dollars \$10,000.00) for each offense. Each day or part of a day during which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town of Bluff City 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 chapter or the orders, rules, regulations, and permits issued hereunder.

Industrial users desiring to dispute such penalties may secure a review of such assessments by filing with the manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the Bluff City Board of Mayor and Aldermen, if a petition for review of the assessment is not filled within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the

assessment and it shall become final. Upon receipt of a written petition from the alleged violator pursuant to this section, the manager shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the manager and the petitioner agree to a postponement. (Ord. #97-016, Jan. 1998)

18-442. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, be guilty of a misdemeanor. (Ord. #97-016, Jan. 1998)

18-443. Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the Town of Bluff City's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, and depreciation. (Ord. #97-016, Jan. 1998)

18-444. Types of charges and fees. The charges and fees may be established by appropriate ordinance or resolution of board of mayor and aldermen and may include, but not be limited to, the following types:

- (1) Fees for application for discharge;
- (2) Tapping fee;
- (3) Sewer use charges;
- (4) Surcharge fees;
- (5) Industrial wastewater discharge permit fees;
- (6) Fees for industrial discharge monitoring;
- (7) Holding tank waste disposal permit fees; and
- (8) Other fees as the Town of Bluff City may deem necessary to carry out the requirements of this chapter. (Ord. #97-016, Jan. 1998)

18-445. Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by sections 18-413 and 18-414 of this chapter. (Ord. #97-016, Jan. 1998)

18-446. Inspection fee and tapping fee. A tapping fee for a building sewer installation as required by section 18-413 shall be paid to the Town of Bluff City at the time the application is filed, pursuant to Ordinances of the Town of Bluff City, Tennessee, 91-032, 96-002, 96-010 and 96-011. (Ord. #97-016, Jan. 1998)

18-447. Sewer user charges. A sewer user fee shall be charges pursuant to the Town of Bluff City, Tennessee Ordinance 96-011. (Ord. #97-016, Jan. 1998)

18-448. Surcharge fees. If it is determined by the Town of Bluff City that the discharge of 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 discharge of such parameters in proportion to the amount of discharge. (Ord. #97-016, Jan. 1998)

18-449. Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with section 18-414 of this chapter. (Ord. #97-016, Jan. 1998)

18-450. Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the Town of Bluff City for the necessary compliance monitoring and other administrative duties of the pretreatment program. (Ord. #97-016, Jan. 1998)

18-451. Holding tank waste disposal permit fees. The fee may be charged for the issuance of a holding tank waste disposal permit in accordance with section 18-410 of this chapter. (Ord. #97-016, Jan. 1998)

18-452. Payment by tenants or occupants other than owners. Tenants or occupants of premises, if other than the owners, shall pay the charges for sewer services, it not being intended hereby to require payment of sewer service charges by owners not actually occupying their own property. (Ord. #97-016, Jan. 1998)

18-453. Penalty to be charged on delinquent bills; discontinuance of services for delinquency. A ten percent (10%) penalty will be charged on bills for sewer services which are paid after the 14th day after the billing date for such service. If the bill is not paid within twenty (20) days after the billing date, the water and sewer services shall be discontinued. (Ord. #97-016, Jan. 1998)

18-454. Validity. (1) All ordinances or parts of ordinances in conflict herein are hereby repealed.

(2) The validity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

(3) This chapter and its provisions shall be valid for all service areas, regions and sewage works under the jurisdiction of the Town of Bluff City, Tennessee. (Ord. #97-016, Jan. 1998)

18-455. Property owners to connect. When public sewer becomes available under the Bluff City Sewer Use Ordinance 97-016 as amended each property owner shall make a connection to the sanitary sewer and cease to use any other means of disposal of sewage and/or sewage waste pursuant to the sewer use ordinance. The town can refuse water service to such property owner, tenant or occupant until there has been compliance with the sewer use ordinance and may discontinue water service to an owner, tenant or occupant failing to comply within thirty (30) days after notice to comply. (Ord. #98-015, Dec. 1998)