

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. WASTEWATER TREATMENT (SEWER) SYSTEM.

#### CHAPTER 1

#### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>2</sup>

#### SECTION

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**18-101. 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.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

<sup>2</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

(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 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 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. (1978 Code, § 8-301)

**18-102. 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. (1978 Code, § 8-302)

**18-103. 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. (1978 Code, § 8-303)

**18-104. 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. (1978 Code, § 8-304)

**18-105. 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. (1978 Code, § 8-305)

**18-106. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-306)

**18-107. 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. (1978 Code, § 8-307)

**18-108. 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 § 18-102, or the agent of the owner to provide such facilities. (1978 Code, § 8-308)

**18-109. 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. (1978 Code, § 8-309)

**18-110. 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. (1978 Code, § 8-310)

**18-111. 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. (1978 Code, § 8-311)

**18-112. 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. (1978 Code, § 8-312)

**18-113. 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. (1978 Code, § 8-313)

**18-114. 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. (1978 Code, § 8-314)

**18-115. 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. (1978 Code, § 8-315)

## CHAPTER 2

### WASTEWATER TREATMENT (SEWER) SYSTEM

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulations of holding tank waste disposal.
- 18-206. Applications for industrial wastewater discharge permits.
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- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Public notification.
- 18-211. Penalties; costs.
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- 18-213. Validity.

**18-201. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater within the City of Charleston, Tennessee. The objectives of the chapter are:

- (1) To protect the public health;
- (2) To provide safe and reliable wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, and that will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Charleston and the operator to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal, state laws and regulations.

This chapter shall apply to the City of Charleston, Tennessee. Except as otherwise provided herein, the manager of the Calhoun-Charleston Utility District shall administer, interpret, implement, and enforce the provisions of this chapter. (as added by Ord. of Oct. 18, 2000)

**18-202. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in the chapter, shall have the meanings shown below:

(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.

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

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

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

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

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

(5) "Building inspector." That person(s) representing the City of Charleston who is authorized to inspect the installation of plumbing in structures and other establishments served by the district within the city limits to ensure they comply with the requirements of this chapter and the Southern Standard Building/Plumbing Code.

(6) "Building sewer" - A sewer conveying wastewater from the premises of a user to the publicly owned treatment works.

(7) "Categorical standards" - National Categorical Standards or Standard.

(8) "Chemical oxygen demand (COD)." The quantity of oxygen required to oxidize the organic matter in a waste sample under specific conditions of oxidizing agent, temperature and time expressed in terms of concentration [milligrams per liter, mg/L].

(9) "City" - The City of Charleston, Tennessee.

(10) "Compatible pollutant" - Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the Cleveland Utilities Board NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

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

(12) "Control authority" - This term refers to the "approval authority," defined above; or the manager of the Calhoun-Charleston Utility District if the CCUD has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

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

(15) "District." The Calhoun-Charleston Utility District, its governing board, the manager or superintendent, and any authorized representative thereof.

(16) "Domestic wastewater" - Wastewater that is generated by a single family, multi-family, apartment or other dwelling unit or commercial establishment containing sanitary facilities generating wastewater of similar character. Wastewater will be regarded as domestic if analysis shows a daily average of not more than 200 mg/L of suspended solids, 200 mg/L of BOD and 500 mg/L of COD.

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

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

(19) "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.

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

(21) "Incompatible pollutant" - Any pollutant which is not a "compatible pollutant" as defined above.

(22) "Indirect discharge" - The discharge or the introduction of non-domestic pollutants from any source regulated under section (b) or (c) of the Act (33 U.S.C. 1317), into the publicly operated treatment works (including holding tank waste discharged into the system).

(23) "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).

(24) "Interference" - The inhibition or disruption of the district wastewater treatment processes or operations which contributes to a violation of any requirement of the Cleveland Utilities Board NPDES permit. The term includes prevention of sewage sludge use or disposal by the publicly owned

treatment works in accordance with 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 district wastewater treatment system.

(25) "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.

(26) "NPDES (National Pollution Discharge Elimination System)" - 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.

(27) "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.

(28) "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.

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

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

(31) "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.

(32) "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 publicly owned treatment works. 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 403.6(d).



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

(34) "Publicly owned treatment works (POTW)" - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which in this instance is owned in part by the Calhoun-Charleston Utility District and in part by the Cleveland Utilities Board (CUB). This definition includes any sewer pipe, line or main that conveys wastewater to the POTW treatment plant(s), 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 sewer line, main, or pipe that conveys wastewater to the CUB POTW's.

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

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

(37) "Significant industrial user." All categorical industrial users. Any non-categorical industrial user that:

(a) Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, non-contact cooling and boiler blowdown wastewaters).

(b) Contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant.

(c) Has a reasonable potential, in the opinion of the control or approval authority, to adversely affect the POTW treatment plan (inhibition, pass-through of pollutants, sludge contamination, or endangerment of the POTW workers).

(38) "Slug" - 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 facility(ies) or pumping stations.

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

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

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

(42) "Storm sewer or storm drain" - Any 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 water, upon approval of the district.

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

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

(45) "Twenty-four (24) flow proportional composite sample" - A flow portion collected continuously over a twenty-four (24) hours at a rate proportional to flow.

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

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

(48) "Wastewater treatment system" - Defined as for publicly owned treatment works.

(49) "Waters of the state" - All streams, lakes, ponds, marshes, watercourses, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (as added by Ord. of Oct. 18, 2000)

**18-203. Connection to public sewers.** (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city limits of Charleston, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any water of the state within or adjoining the city limits of the City of Charleston and sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as provided herein, 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 within the city limits of the City of Charleston.

(d) Except as provided in § 18-203(1)(e) below, the owner of any house, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the city limits 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 city limits, is

hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter, within sixty (60) days after an official notice to do so, provided a public sewer main or line is within two hundred feet (200') of the property line and the pre-existing structure to be serviced is within two hundred feet (200') of the property line. The district may begin billing monthly sewer use charges after notification of the owner by the city that a public sewer is available.

(e) The owner of a manufacturing facility 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.

(f) Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204 of this chapter.

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

(b) The schedule of building sewer permit classes and fees shall be as established in the Southern Standard Building/ Plumbing Codes. The owner or his agent shall make application of such forms as provided by the building inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector and the district.

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

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

(e) Old building sewers may be used in connection with new buildings only when they are found, on inspection and testing by the building inspector or district to meet all requirements of this chapter.

(f) A building sewer(s) shall conform to the following requirements:

- (i) The minimum size of a building sewer shall be four (4) inches.
- (ii) The minimum depth of building sewer shall be eighteen (18") inches.
- (iii) Four (4) inch building sewer shall be laid on a grade greater than 1/8 inch per foot. Larger building sewer shall be laid on a grade that produces a velocity when flowing full of at least 2.0 feet per second.
- (iv) Slope and alignment of all building sewer shall be neat and regular.
- (v) Building sewer shall only be constructed of:
  - Concrete or clay sewer pipe using rubber or neoprene compression joints of an approved type;
  - Cast iron soil pipe with compression joints;
  - Polyvinyl chloride pipe with solvent welded or with rubber compression joints: minimum thickness schedule 40;
  - ABS composite sewer pipe with solvent welded or rubber compression joints of approved type: minimum thickness schedule 40; or
  - Such other materials of equal or superior quality as may be approved by the building inspector or the district.Under NO circumstances will cement mortar or leaded joints be acceptable.
- (vi) A cleanout shall be located no more than five (5) feet outside of the building, one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipe. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch diameter pipe.
- (vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building sewers shall be made at the tee, wye or saddle installed by the district. All such connections shall be made gastight and water tight.
- (viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to

the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any sewer drain(s) is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain(s) shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the district or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the building inspector or in his absence, the district before installation.

(x) An installed building sewer shall be gas tight and water tight.

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

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

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

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

(b) The applicant or owner of the building making the sewer connection shall notify the building inspector when the building sewer is ready for inspection.

(4) Maintenance of building sewers. Each individual property owner or user of the publicly owned treatment works shall have sole and complete responsibility for the maintenance of the building sewer located on private property. This maintenance responsibility will include repair or replacement of the building sewer service line as deemed necessary by the building inspector. (as added by Ord. of Oct. 18, 2000)

**18-204. Private domestic wastewater disposal.** (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the city limits unless and until a certificate is obtained from the district stating that public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the Bradley County Health Department (sanitarian with the State Department of Environment and Conservation). The owner shall supply any plans, specifications, and other information as required by the Bradley County Health Department.

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

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

(e) The owner shall operate and maintain the private sewage disposal system/facilities in a sanitary manner at all times and at his

expense; the city shall not be responsible for any expense of installation, operation or maintenance.

(f) Nothing contained in this chapter shall be construed to preclude additional requirements being imposed by the Bradley County Health Department. (as added by Ord. of Oct. 18, 2000)

**18-205. Regulations of holding tank waste disposal.** (1) Permit. No persons, firm, association or corporation shall dispose of any septic tank wastewater nor any other type of waste water or excreta disposal system waste in the district's publicly owned treatment works within the City of Charleston, unless such persons, firm, association, or corporation obtains a permit from the district to perform such an act or service. Any persons, firm, association, or corporation desiring a permit to dispose of such materials shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the district when the conditions of this chapter have been met and providing the district is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Permits shall be issued for a specified time period and shall state the expiration date. Any such permit issued, or a copy thereof, shall be available when discharging wastewater within the City of Charleston and produced on demand by a peace officer or employee of the district.

(2) Fees. A permit fee shall be collected by the Calhoun-Charleston Utility District for each permit issued under the provisions of this chapter. The permit fee shall be determined by the district based on the volume and strength of conventional pollutants.

(3) Designated disposal locations. The district shall designate approved locations for the emptying of waste and cleansing of all equipment.

(4) Revocation of permit. The district shall have the right to deny a permit or revoke any permit when discharges contain pollutants requiring pretreatment or discharges of toxic pollutants are made. Failure to comply with all the applicable provisions of this chapter shall be sufficient cause for the revocation of such permit by the district. (as added by Ord. of Oct. 18, 2000)

**18-206. Applications for industrial wastewater discharge permits.**

(1) General requirements. 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 district, an application in the form prescribed by the district and accompanied by the appropriate fee. New industrial users shall apply for a permit at least 90 days prior to connecting to or contributing to the publicly owned treatment works.

(b) The application shall be made on a form provided by the district and shall include, but not be limited to the following information: Standard Industrial Code (SIC); wastewater volume; wastewater

constituents and characteristics; discharge variations and peaks; a description of all toxic materials handled on the premises; a drawing to approximate scale showing the plan of the property, water distribution system and sewer layout; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the district.

(c) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit(s) submit plans, specifications and other pertinent information relative to the proposed construction to the district for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer. 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 district 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 by an applicable pretreatment standard. For the purposes of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

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

(f) The receipt by the district of a prospective customer's application for wastewater discharge permit shall not obligate the district to render wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the district's rules and regulations, and general practice, the application shall be rejected and there shall be no liability of the city or the district to the applicant for such service.

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

(2) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable



regulations, user charges and fees established by the district. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection 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 maintaining and retaining plant records relating to wastewater discharge as specified by the district, and affording the district access thereto;
- (h) Requirements for notification of the district 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;
- (i) Requirements for notification of slug discharges;
- (j) State of duration (in no case more than five [5] years);
- (k) Statement of non-transferability of the permit without prior district approval;
- (l) Applicable effluent limits based on categorical pretreatment standards and local limits;
- (m) Applicable monitoring, sampling, and reporting requirements and submission of technical reports;
- (n) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (o) Other conditions as deemed appropriate by the district to ensure compliance with this chapter.

(3) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the district within 180 calendar days after the promulgation of an application federal categorical pretreatment standard the information required by §§ 18-206(2)(b) and (c). The terms and conditions of the permit may be subject to modification by the district during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least thirty (30) days prior to the effective date of change. Any

changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(4) 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 and shall contain a specific expiration date. The user shall apply for permit renewal/reissue a minimum of 180 calendar days prior to the expiration of the user's existing permit.

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

(6) Revocation of permit. Any permit issued under the provisions of the 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.

(7) Confidential information. All information and data on a user obtained from reports, questionnaire, permit applications, permits and monitoring programs and from inspection shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the district 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 district'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 considered as confidential information. Information accepted by the district as confidential shall be not transmitted to any governmental agency or to the general public by the district until and unless

prior and adequate notification is given to the user. (as added by Ord. of Oct. 18, 2000)

**18-207. Discharge regulations.** (1) 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 public owned treatment works. These general prohibitions apply to all such users of a publicly owned treatment works 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 publicly owned treatment works.

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the publicly owned treatment works. Pollutants which create a fire or explosion hazard in the publicly owned treatment works, including but not limited to, pollutants with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D 93-80K or a Seta Flash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 and pollutants which cause an exceedence of 10% of the lower explosive limit (LEL) at any point within the public owned treatment works. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the district, the state or EPA has notified the user is a fire hazard or hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to: grease, garbage 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.

(c) Any wastewater having a pH less than 0% or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the publicly owned treatment works.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by

interacting 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 publicly owned treatment works, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

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

(f) Any substance that may cause the publicly owned treatment works 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 publicly owned treatment works cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substances which will cause the publicly owned treatment works to violate its NPDES permit or the receiving water quality standards.

(h) 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.

(i) Any wastewater having a temperature that will inhibit biological activity in the publicly owned treatment works treatment plant resulting in interference, but in no case wastewater in such quantity that the temperature at the introduction into the publicly owned treatment works treatment plan which exceeds 40 degrees C (104 degrees F). No user shall discharge wastewater into the public owned treatment works which exceeds 60 degrees C (140 degrees F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration that a user knows or has reason to know will cause interference to the publicly owned treatment works.

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

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

(m) Any wastewater, including pollutant which result in toxic gases, vapors, or fumes within the public owned treatment works in a quantity that may cause acute workers' health and safety problems or create a public nuisance.

(n) Any waters or wastes containing from extractable substances whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty (30) or one hundred fifty (150 degrees F) (0 and 65 degrees C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process wastes to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the district and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the district and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(p) Any trucker or hauled pollutants except at discharge points designated by the district, with a permit.

(q) Oil and grease discharge control program. Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food processing facility. The district shall contact all wastewater discharge permit holders, restaurants, service stations, septic tank pumpers, commercial food processors, oil tank firms and transporters, and others as appropriate, by letter as often as needed to advise them of requirements for oil and grease discharge control. These dischargers will also be informed of approved oil and grease disposal options available in the Calhoun/Charleston vicinity. The dischargers of oil and grease waste shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease and oil and grease sludge from wastewater discharges. Such pretreatment processes shall be subject to the good management practices as required and approval by the district. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the district at its discretion. These dischargers may be required by the district to apply for industrial waste discharge permits if the district determines that the dischargers are a source of prohibited pollutants, toxic pollutants in toxic amounts, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this chapter.

(2) Restriction on wastewater strength. No person or user shall discharge wastewater which exceeds the user discharge standard listed in Table 1 unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in the chapter.

TABLE 1

## Limitations on Wastewater Strength

Parameter	Maximum Concentration	Maximum Concentration
	(24 Hour Flow Proportional Composite Sample) md/L	(24 Hour Flow Proportional Composite Sample) (mg/L)
Aluminum	3,900.00	7,800.00
Antimony	7.45	14.90
Arsenic	0.13	0.26
Barium	625.00	1,250.00
Boron	19.00	38.00
Cadmium	0.62	1.24
Total Chromium	12.40	24.80
Hexavalent Chromium	6.54	13.08
Copper	6.96	13.92
Total Cyanide	0.53	1.06
Lead	0.42	0.84
Manganese	7.66	15.32
Mercury	0.025	0.05
Nickel	0.55	1.10
Selenium	0.08	0.16
Silver	0.70	1.40
Titanium	109.00	218.00
Zinc	1.37	2.74
Total Dissolved Solids	8,300.00	16,600.00
Phenols	---	3.32
Sulfide	6.53	13.06

Parameter	Maximum Concentration (24 Hour Flow Proportional Composite Sample) md/L	Maximum Concentration (24 Hour Flow Proportional Composite Sample) (mg/L)
Surfactants (MBAS)	40.00	80.00
pH	5.0--10.5 (std. pH units)	

(3) Protection of treatment plant influent. The district shall monitor the treatment works influent for each parameter listed in Table 2, Treatment Plant Allowable Headworks Loadings. In the event that the influent at the public owned treatment works treatment plant reaches or exceeds the levels established by Table 2, the district 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 pre-treatment levels for these parameters. The district shall also recommend changes to any of these criteria in the event that: the publicly owned treatment works 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 publicly owned treatment works.

**Table 2**

**Industrial User Discharge Limits (mg/l)\***

<u>POLLUTANT</u>	<u>PROTECTION CRITERIA (mg/l)</u>
<u>Conventional Pollutant</u>	
BOD5	300.0
<u>Non-Conventional Pollutant</u>	
Total Dissolved Solids	1,800.0
Phenols	0.050
Cadmium - Total	0.0066
Chromium - Total	.100
Chromium - Hexavalent	0.06
Copper - Total	0.148
Cyanide	0.056
Lead	0.0540
Mercury	0.0004

<u>POLLUTANT</u>	<u>PROTECTION CRITERIA (mg/l)</u>
Nickel	0.200
Silver	0.0102
Zinc	0.263
<u>Base Neutral Organics</u>	
Naphthalene	0.0010
Bis (2-ethyl hexyl) phthalate	
Butylbenzyl phthalate	
Di-n-butyl phthalate	
Diethyl phthalate	
Sum of Phthalates	0.033
<u>Volatile Organics</u>	
Benzene	0.0030
Carbon Tetrachloride	0.0150
1,1,1 - trichloroathane	0.0300
Chloroform	0.0850
1,2 Trans dichloroethylene	0.0015
Ethylbenzene	0.0040
Methylene Chloride	0.0500
Tetrachloroethylene	0.0250
Tolnene	0.0150
Trichloroethylene	0.0100

\*Monthly average limits shown. Daily maximum limits are two times the monthly averages. Limits calculated by Smrth, Seckman, Reid, Inc. March 1990, using Updated Maximum Headworks Calculations. Limits based on industrial discharge volumes March 1990, and subject to adjustments as computed by headworks loadings at the time that an industry submits a completed application for an Industrial Discharge Permit.

From: Cleveland Utilities Board, 1997.

(4) Federal categorical pretreatment standards. When the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter. The district shall notify all affected user of the applicable reporting requirements under 40 CFR, Section 403.12.



(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the district from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the publicly owned treatment works or to create a public nuisance, or to cause the discharge of the publicly owned treatment works to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the publicly owned treatment works resulting in a violations of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Special agreement. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the district and any user of the wastewater system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments of user charges as may be applicable. The making of such special agreements or arrangements between the district and the user shall be strictly limited to the capability of the publicly owned treatment works to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass-through of pollutants which would result in a violation of the NPDES permit. Special agreements shall not be arranged when the user is subject to a federal categorical pretreatment standard that is more stringent than the district's. No special agreement shall be made without prior documentation by the user of the use of good management practices in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Industrial users of the publicly owned treatment works may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-207(1) and (2) of this chapter. Exceptions may be granted according to the following guidelines:

The district shall have the authority to allow temporary exceptions upon proper application as provided herein, subject to the conditions set forth in this section; provided, however, that no exception shall be allowed within one (1) year of the rejection by the district of the same or substantially similar application. All application for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the district in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the district upon thirty (30) days notice.

The user requesting the exception must demonstrate to the district that he is making a concentrated and serious effort to maintain high

standards of operation, control and housekeeping level, etc., so that discharges to the publicly owned treatment works 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 unfeasible and the discharge, if exempted, will not:

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

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

(iii) Pass through the publicly owned treatment works 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 district to violate its ability to enforce federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulation.

A surcharge may be applied for 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. Surcharge rates shall be determined periodically by resolution of the district.

Surcharges shall be based on the average analytical results of not less than three (3) 24-hour flow proportional composite samples collected at the user's monitoring facilities as described in § 18-208(1). Samples shall be collected at unannounced, but approximately equal, intervals during the preceding six (6) months. Samples shall be collected and analysis made by personnel designated by the district. Surcharges shall be revised twice yearly.

In the event that an analysis of wastes, determined by the samplings and gauging of wastes from a person or industry by the district, is disputed, a program of resampling a gauging, with subsequent chemical analysis may be instituted as follows:

(A) The persons or industrial user interested must submit a request for resampling and gauging of their wastes to the district by letter and bind themselves to bear the expenses incurred by the district in the resampling and gauging and subsequent determination of the wastes.

(B) The chemist or engineer employed by the company responsible for the request submitted to the district must confer with the district's person in charge of gauging and sampling. They will establish the length of the

rerun and the methods to be employed to determine the flow and to sample the flow.

(C) The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the district's laboratory during the chemical determination of the analysis.

(D) The results of the analysis, determined from the quantity and quality of the flow, shall be considered the analysis of record and shall be used to establish current billing procedures.

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

Upon receipt of a complete application, the district shall evaluate same within thirty (30) days and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-207(2) and grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

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

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works influent and the design capability of the treatment works, to wit, after consultation with and agreement by the Cleveland Utilities Board;

(iv) 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;

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

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

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

(8) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the public owned treatment works of waste regulated by the chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spill, 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 procedure shall be submitted to the district for review, and shall be approved by the district 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.

(b) Notification of accidental discharge. Any user causing or suffering from any accidental discharge shall immediately alert the district (or its designated official) by telephone to enable countermeasures to be taken by the district and the Cleveland Utilities Board to minimize damage to the public owned treatment works, the health and welfare of the public, and to the environment.

This notification shall be followed, within five (5) calendar 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 shall not relieve the user of liability for any expense, loss, or damage to the publicly owned treatment works, fish kills, or any other damage to persons or property; nor shall such

notification relieve the user of any penalties, civil penalties, other liability which may be imposed by this chapter, state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a 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. (as added by Ord. of Oct. 18, 2000)

**18-208. Industrial user monitoring, inspection reports, records access, and safety.** (1) 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. The monitoring facility shall be a manhole, pit or other suitable facility approved by the district.

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

Monitoring facilities that 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 district, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The district may, however, when such a location would be impractical or cause undue hardship on the user, request the city to allow the facility to be constructed in the public street right-of-way with the approval of the board of commissioners or the Tennessee Department of Transportation, and located so that it will not be obstructed by landscaping or parked vehicles. Facilities located in the public right-of-way shall be constructed by the city and the user charged for any costs incurred in the construction. There shall be ample room in or near such sampling station 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 facilities shall be constructed in accordance with the district's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the district, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety (90) days following written notification unless an extension is granted by the district in writing.

(2) Inspection and sampling. The district 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 district or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The district, 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 its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the district, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing in their specific responsibilities. The district or its representatives shall have no authority to inquire into manufacturing processes beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 180 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 publicly owned treatment works, user subject to pretreatment standards and requirements shall submit to the district 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 and requirements. The report shall state whether the applicable pretreatment standards and 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. A compliance schedule which will be used to determine when full compliance will be achieved and dates of milestones that are to be accomplished to move toward full compliance, shall be submitted at this time period. This statement shall be signed by an authorized representative of the industrial user, and certified by a professional engineer.

(4) Periodic compliance reports. (a) 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 district during the months of June and December, unless required more frequently in a categorical pretreatment standard or by the district, a report indicating the nature and concentration of pollutants in the effluent which are limited by this chapter.

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 district and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the district may agree to alter the months during which the above reports are to be submitted.

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

(c) The reports required by this section 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 district, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator of the EPA pursuant to Section 304 (g) of the Act, contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the district. Sampling shall be performed in accordance with the techniques approved by the district.

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

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

Any industrial user subject to the reporting requirement 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 district, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation, 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 requested by the district, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the district or duly authorized employees of the district shall observe all safety rules applicable to the premises established by the company and the company

shall be held harmless for injury or death to the district employee(s). The district shall indemnify the company against loss or damage to its property by district employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (as added by Ord. of Oct. 18, 2000)

**18-209. Enforcement and abatement.** (1) Issuance of cease and desist orders. When the district 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 district shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply immediately;
- (b) Comply in accordance with a time schedule set forth by the district;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender the applicable user's permit if ordered to do so after a show cause hearing.

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

(2) Submission of time schedule compliance order. When the director 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 or pretreatment standards, or the provisions of a wastewater discharge permit, the district 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 district within 30 days of the issuance of the cease and desist order.

- (a) The district may order any user who causes or allows an unauthorized discharge to enter the publicly owned treatment works to show cause before the district 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 district board regarding violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the district board 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 ten (10) days before the hearing.



(b) The district board may itself conduct the hearing and take the evidence, or may designate its member or any officer or employee of the district to:

(i) Issue in the name of the district board 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 district board for action thereon.

(c) At any hearing 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 usual copying costs.

(d) After the district board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer or water 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.

(3) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the public owned treatment works contrary to the provisions of this chapter, federal, or state pretreatment requirements, or any order of the district, the district may commence an action for appropriate legal and/or equitable relief in the circuit court of Bradley County.

(4) Emergency termination of service. In the event of an actual or threatened discharge to the publicly owned treatment works of any pollutant which, in the opinion of the district, presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POTW, the district shall notify the district board, the Cleveland Utilities Board, and shall also attempt to notify the industrial user or other persons causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials, the district may temporarily terminate the sewer or water service of such user/users as necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the district as soon as the emergency situation has been abated or corrected.

(5) Public nuisance. Discharges or wastewater in any manner in violation of this chapter or of any order issued by the district as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the district.

(6) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the district has the authority to correct any violation hereof. The cost of such correction shall be added to any sewer use charge payable by the person violating this chapter or the owner or tenant of the property upon which the violation occurs, and the district shall have such remedies for the collection of such costs as it has for the collection of sewer use charges.

(7) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to the facilities, the director shall assess a charge against the user for the work required to clean or repair the facility and add such charge to user's sewer use charge. (as added by Ord. of Oct. 18, 2000)

**18-210. Public notification.** To comply with public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards, this chapter provides for at least annual public notification by the district, in the largest daily newspaper published in municipality in which the public owned treatment works is located of industrial users, which at any time during the previous twelve months, were in significant violation of applicable pretreatment standards or pretreatment requirements. For the purpose of this provision, an industrial user is in significant violation if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six 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 (33%) or more of all measurements taken during a six (6) month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 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 in combination with other discharges, interference or pass-through (including endangering the health of publicly owned treatment works 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 public owned treatment works exercise of its emergency authority under paragraph (f)(1)(vii)(BB) of Federal Regulations 403.8 CFR 11/23.1988 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 compliances;

(6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules within 30 days from the date that they are due;

(7) Failure to accurately report non-compliance; or

(8) Any other violation or group of violations which the control authority considers to be significant. (as added by Ord. of Oct. 18, 2000)

**18-211. Penalties; costs.** (1) Civil penalties. Any user who is found to have violated an order of the district board, or who willfully or negligently failed to comply with any provision of this chapter, and orders, rules, regulations and permits issued hereunder, could be subject to penalties. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the district may recover 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.

(2) Pretreatment enforcement; violations; civil penalty. (a) Any persons including, but not limited to industrial users, who do any of the following acts or omission shall be subject to a civil penalty of not less than five dollars (\$5.00) nor more than ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(i) Violates an effluent standard or limitation imposed by a pretreatment program or this chapter;

(ii) Violates the terms or conditions of a permit issued pursuant to a pretreatment program;

(iii) Fails to allow or perform an entry, inspection, monitoring or reporting requirement of a pretreatment program;

(iv) Fails to pay user or cost recovery charges imposed by a pretreatment program; or

(v) Violates a final determination or order of the district board or the local administrative officer.

(b) Any civil penalty shall be assessed in the following manner:

(i) The district administrative officer/board may issue an assessment against any person or industrial user responsible for the violation;

(ii) Any persons or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the local hearing authority and if a petition for review of the assessment is

not filed 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.

(iii) Whenever any assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as at confession of judgment in the amount of the assessment;

(iv) In assessing the civil penalty the district administrative officer/board may consider the following factors:

(A) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(B) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also penalties, costs and attorney's fees incurred by the treatment agency, as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(C) Cause of the discharge or violation;

(D) The severity of the discharge and its effect upon facilities of the publicly owned pretreatment works and upon the quality and quantity of the receiving waters;

(E) Effectiveness of action taken by the violator to cease the violation.

(F) The technical and economic reasonableness of reducing or eliminating the discharge; and

(v) The district administrative officer/board may institute proceedings for assessment in the chancery court of Bradley County, in the name of the pretreatment agency.

(c) There is hereby established in Enforcement Response Guide, appended hereto as Table 3.<sup>1</sup>

(d) There is hereby approved and established, a schedule of the amount of civil penalty which can be assessed by the district for certain specific violations or categories of violations, which schedule is attached hereto as Table 4.<sup>2</sup>

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<sup>1</sup>Table 3, entitled "Enforcement Response Guide," is of record in the office of the city recorder.

<sup>2</sup>Table 4, entitled "Civil Penalty Schedule for Industrial User Noncompliance, City of Charleston Calhoun--Charleston Utility District," is of record in the office of the city recorder.

(e) Any civil penalty assessed to a violator pursuant to this action shall not exceed ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs.

(3) 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 in significant non-compliance and be punished as set forth in § 18-211. Penalty; costs. (as added by Ord. of Oct. 18, 2000)

**18-212. Fees and billing.** (1) Purpose. It is the purpose of this section to provide for the equitable recovery of costs from user's of the publicly owned treatment works, including costs of operation, maintenance, administration, debt service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered wastewater grants.

(2) Types of charges and fees. The charges and fees as established by city ordinance or the district's rate resolution may include but not be limited to:

- (a) Building sewer permit and inspection fees;
- (b) Tap-on fees;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Fees for applications to discharge;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city/district may deem necessary to carry

out the requirements of this chapter.

(3) Building sewer permit, inspection and tap-on fees. An inspection fee for a building sewer installation shall be paid to the district at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines. Evidence shall be presented to the building inspector that the district tap-on fees (if any) have been paid and the district approves the connection to the public sewer prior to final approval of said installations.

(4) Sewer use charges and surcharge fees. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

- (i) Class I or Domestic. Those users whose average biochemical oxygen demand is two hundred milligrams per liter (200 mg/L) by weight or less, and whose suspended solids discharge is two hundred milligrams per liter (200 mg/L) by weight or less.

(ii) Class II or Non-Domestic. Those users who average biochemical oxygen demand exceeds two hundred milligrams per liter concentration (200 mg/L) by weight and whose suspended solids exceeds two hundred milligrams per liter concentration (200 mg/L).

(b) Determination of costs. The district board shall establish rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administrative costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

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

$$C_i = \frac{T.S.C.}{V_t}$$

Where:

$C_i$  = the class I total unit cost in \$/1,000 gallons

T.S.C. = the total operation and maintenance, administration, and debt service determined by yearly budget projections.

$V_t$  = the total volume of waste water contribution from all users per year as determined from one district fiscal year to the next, in units of 1,000 gallons.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

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

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the

treatment works is in excess of those described in paragraph 11.4(a) above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

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

Where:

$C_u$  = Total user charge per unit of time

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

$V_u$  = Volume contribution per unit of time

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

$B_o$  = Total BOD contribution from a user per unit of time

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

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

(v) All users, whether Class I or Class II shall pay an additional charge which shall be based on all costs necessary to bill, collect and administer the wastewater program and that revenue necessary to repay all debts acquired by the district in order to design and construct the sanitary sewer system.

(5) Other surcharge fees. If it is determined by the district 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 discharges of such parameters in proportion to the amount of discharge.

(6) Fees for industrial users. A fee may be charged when a user or prospective user makes application for discharge and/or is issued an industrial wastewater discharge permit as required by § 18-206 of this chapter. (as added by Ord. of Oct. 18, 2000)

**18-213. Validity.** (1) All ordinances or parts of ordinances in conflict herewith 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 the area under the jurisdiction of the City of Charleston, Tennessee. (as added by Ord. of Oct. 18, 2000)