

## TITLE 18

### WATER AND SEWERS

#### CHAPTER

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#### CHAPTER 1

### GENERAL PROVISIONS

#### SECTION

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**18-101. Purpose and policy.** This title sets forth uniform requirements for users of the Publicly Owned Treatment Works of the City of Church Hill and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.), and general pretreatment regulations set out in 40 CFR, Part 403.

This title shall apply to all users of the publicly owned treatment works whether located inside the city or outside the city. This title authorizes issuance of wastewater discharge permits; provides for monitoring, compliance, recordkeeping, pretreatment and enforcement; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The objectives of this title are to:

- (1) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) Prevent the introduction of pollutants into the publicly owned treatment works that will pass through inadequately treated into receiving waters, or otherwise be incompatible with the Publicly owned treatment works;
- (3) Protect publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
- (4) Promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
- (6) Enable the City of Church Hill to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject. (2003 Code, § 13-101)

**18-102. Abbreviations.** The following abbreviations, when used in this title, shall have the meanings hereby designated:

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical oxygen demand
EPA -	U.S. Environmental Protection Agency
mg/l -	milligrams per liter
NPDES -	National Pollutant Discharge Elimination System
POTW -	Publicly Owned Treatment Works
RCRA -	Resource Conservation and Recovery Act
SIC -	Standard Industrial Classification
TSS -	Total Suspended Solids
U.S.C. -	United States Code (2003 Code, § 13-102)

**18-103. Definitions.** For the purposes of this title, the word shall is mandatory and the word may is permissive. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

Captions of sections and sub-sections are a matter of convenience for reference only and shall not control or affect the meaning or construction of any term or provision hereof.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:

- (1) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.
- (2) "Administrator." Administrator of the EPA.
- (3) "Approval authority." Regional administrator of the EPA; or the state director if the state has an approved pretreatment program.
- (4) "Authorized representative of a user." (a) If the user is a corporation:
  - (i) The president, chief executive officer, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (ii) The manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the user is a federal, state, or local governmental facility: a director or highest official, elected or appointed, designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraphs (a) through (c) above, may designate another authorized representative if the authorization is submitted to the director in writing, and the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company.
- (5) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees (20°) centigrade, usually specified as a concentration (e.g., milligrams per liter (mg/l)).
- (6) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.
- (7) "Categorical standard or categorical pretreatment standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C. § 1317, which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.
- (8) "City." The City of Church Hill, Tennessee.
- (9) "Collector line." A line that receives wastewater from individual residences, businesses or corporations via lateral sewers.

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

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

(12) "Compliance order." An order signed by the director that identifies a series of events the user must take, along with a prescribed timetable, to achieve compliance with the requirements of this title, any permit requirement, or any other valid order.

(13) "Conventional pollutant." As defined by federal law, these include BOD, TSS, fecal coliform bacteria, oil, grease and pH.

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

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

(16) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the state.

(17) "Director." The director of public works of the City of Church Hill, Tennessee, or a duly authorized representative; the control authority as specified by 40 CFR § 403.12.

(18) "Domestic wastewater." Wastewater that is generated by a single-family residence, apartment or residential unit. Specifically excluded from this definition is any categorical or significant industrial facility.

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

(20) "Existing source." Any source of discharge, the construction or operation of which commenced prior to publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

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

(22) "Grab sample." A sample which is taken from a waste stream with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) "Holding tank waste." Any waste from holding tanks such as, but not limited to, vessels, chemical toilets, trailers, septic tanks and vacuum pump tank trucks.

(24) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(25) "Indirect discharge." The introduction of pollutants into the POTW from any non-domestic source, including holding tank waste, regulated under § 307(b), (c) or (d) of the Act.

(26) "Industrial user." A non-domestic source of wastewater entering the POTW.

(27) "Interceptor out-fall sewer." A sewer that receives wastewater from a collecting system or from a treatment plant and carries it to a point of final discharge. The size of these lines is generally greater than ten (10) inches in diameter.

(28) "Interference." A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or, is a cause of a violation of the city's NPDES permit; or, prevents sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(29) "Lateral sewer." The pipe running from the property line where it is connected to the building sewer from the individual residence or business, to the POTW collector line.

(30) "Mass-based standards or limits." The actual mass of pollutants in a wastewater stream per unit of time or production.

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

(32) "National categorical pre-treatment standard or pre-treatment 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.

(33) "NPDES (National Pollutant Discharge Elimination System.)" The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 402, 318, and 405 of the Clean Water Act (CWA).

(34) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under authority of §307(b) of the Act and 40 CFR, part 403.5.

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

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

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

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of sub-paragraphs (a)(ii) or (iii) above but otherwise alters, replaces or adds to existing process or production equipment.

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

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

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

(36) "Non-contact cooling water." Water used for cooling which does not come into direct contact with any raw material, intermediate products, waste products or finished products.

(37) "Non-conventional pollutant." All pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR part 401.

(38) "Non-domestic source." Any source of discharge of wastewater from any facility other than a residential unit meeting the requirements of a domestic wastewater producer.

(39) "Notice of Violation (NOV)." A written notice signed by the director that notifies a user that a violation of any permit requirement, any provision of this title, or any other valid order has occurred and describes the facts of the violation.

(40) "Pass through." A discharge which exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

(41) "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. This shall include all federal, state and local governmental entities.

(42) "pH." A measure of the acidity or alkalinity of a solution. The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions measured in grams per liter of solution and expressed in Standard Units (SU).

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

(44) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, industrial, municipal and agricultural waste discharged into water, or, wastewater having been changed in pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor.

(45) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means except by diluting the concentration of pollutants unless allowed by an applicable pretreatment standard.

(46) "Pretreatment requirement." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a National Pretreatment Standard imposed on an industrial user.

(47) "Pretreatment standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(48) "Private waste disposal system." A septic tank, cesspool or other facility intended for the disposal of wastewater.

(49) "Prohibited discharge standards or prohibited discharges." Absolute prohibitions against the discharge of certain substances as set out in §18-305 of this title.

(50) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by 33 U.S.C. § 1292 and owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial waste of a liquid nature and any pipes which convey wastewater to a treatment plant.

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

(52) "Public sewer." A sewer controlled or maintained by the city.

(53) "Residential unit." A structure used primarily as housing and generating wastewater that includes but is not limited to human waste, kitchen waste, domestic wash water and bath water. If there is located within, or upon the same property as a residential unit, any process, commercial activity, or any other activity that generates wastewater not included above, such wastewater shall not be classified as domestic wastewater.

(54) "Service area." The geographic area in which wastewater treatment services are made available by the city.

(55) "Service line." The sanitary sewerage line running from the individual user's premises to the lateral at the property line, or other place of disposal. The size of these lines is generally four (4) inches in diameter.

(56) "Shall." is mandatory; may - is permissive.

(57) "Significant industrial user." Any industrial user who:

(a) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) A user that:

(i) Discharges twenty-five thousand gallons (25,000) or more per average work day of process wastewater to the POTW, excluding sanitary, non-contact cooling and boiler blowdown wastewater; or

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

(iii) Is designated by the director as having the reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).



(58) "Significant noncompliance." A status or condition existing if an industrial user's discharge meets one or more of the following criteria:

(a) Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the director determines has caused, alone or in combination with other discharges, interference or pass through, or, endangers the health of POTW personnel or the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(b) of 40 CFR 403.8, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the director determines will adversely affect the operation or implementation of the local pretreatment program. (40 CFR 403.8(f)(2)(vii)).

(59) "Sludge." Solid, semi-solid or liquid residue generated during treatment of domestic or industrial sewage in a treatment works.

(60) "Slug." Any discharge of a non-routine episodic nature including but not limited to an accidental spill or non-customary batch discharge or any discharge violating the specific prohibitions under 40 CFR 403.5(b).

(61) "State." The State of Tennessee.

(62) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(63) "Storm water." Any flow of water resulting from any form of precipitation.

(64) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface water and drainage, excluding domestic and industrial waste or wastewater.

(65) "Suspended Solids or Total Suspended Solids (TSS)." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering by approved procedures according to 40 CFR 136.

(66) "Toxic material." Any substance or compound containing such substance as set out in 40 CFR 401.15.

(67) "Treatment plant." That portion of a POTW designed to treat wastewater.

(68) "Trunkline." The sanitary sewerage line that receives the sewage effluent from the various collector lines (minimum size of eight (8) inches in diameter).

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

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

(71) "Wastewater." Industrial or domestic liquid waste from dwellings, commercial buildings, industrial or manufacturing facilities and institutions, together with any groundwater, surface water or storm water that may be present, whether treated or untreated, which is contributed to or allowed to enter the POTW.

(72) "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in a single ownership which do not combine or effect a junction with natural surface or underground waters.

(73) "Wastewater discharge permit." A control document issued by the director authorizing conditional discharge of pollutants into the POTW as specified in chapter 6 of this title. (2003 Code, § 13-103)

**18-104. Confidential data.** (1) User information or data obtained from reports, surveys, questionnaires, permit applications, wastewater discharge permits, monitoring programs, or from the director's inspection and sampling activities, shall be made available to the public or other governmental agencies in conformance with Tennessee Code Annotated, § 10-7-503 et seq., without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge

information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(2) No employee or officer of the city may disclose or use for his private advantage any business information which came into his possession, or to which he gained access, by virtue of his official position or employment, except as authorized by the written policy for handling confidential information. A copy of this policy shall be on file in the office of the director. (2003 Code, § 13-104)

**18-105. Special agreements; extraterritorial application.** (1) This title shall not be construed to prevent special agreements or arrangements between the city and any user of the POTW whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to payment of user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such waste without interfering with operations, sludge use and handling, or allowing pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without adequate documentation by the user of sound operation and management practices in reduction of wastewater volume and strength.

Any agreement pursuant to this section shall be null, void, and no longer of effect upon the occurrence of any of the following:

- (a) Interferes with POTW operations; or
- (b) Interferes with sludge use, handling, or disposal; or
- (c) Causes pass-through of pollutants; or
- (d) Endangers the health of POTW personnel, environment, or the general public; or
- (e) Causes a violation of the city's NPDES permit; or
- (f) Causes failure of toxicity tests.

(2) This title shall apply to all persons in the system service area whether inside or outside the corporate limits of the City of Church Hill, Tennessee. (2003 Code, § 13-105)

**18-106. Retention of records.** All records and reports required by this title shall be retained for a minimum of three (3) years and shall be made available for inspection and copying by the director or appropriate state or federal agencies. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the director or appropriate state or federal agencies. (2003 Code, § 13-106)

**18-107. Time of report filing.** Written reports shall be deemed to have been submitted on the date of receipt by the director. (2003 Code, § 13-107)

**18-108. Regulation of wastewater received from other political jurisdictions.** (1) If another public agency, as defined by Tennessee Code Annotated, § 12-9-103, contributes wastewater to the POTW, said public agency shall, prior to connecting to the POTW, enter into an inter-local agreement with the city as authorized by the Tennessee Interlocal Co-operation Act.

(2) Prior to entering into an agreement required by subsection (1), above, the contributing public agency shall provide the director with the following information:

(a) A description of the quality and volume of wastewater to be discharged to the POTW by the contributing public agency;

(b) An inventory of all users located within the contributing public agency that will be discharging to the POTW; and

(c) Such other information as the director may deem necessary.

(3) An inter-local agreement, as required by subsection (1), above, shall contain but not be limited to, the following conditions:

(a) A requirement that a contributing public agency adopt a sewer use ordinance which is at least as stringent as this title and local limits which are at least as stringent as those set out in §§ 18-305 and 18-306 of this title. The agreement shall specify that such ordinance and limits shall be revised as necessary to reflect changes made to this ordinance or local limits;

(b) A requirement for the contributing public agency to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing public agency; which of these activities will be conducted by the city; and which of these activities will be conducted jointly by the contributing public agency and the city;

(d) A requirement for the contributing public agency to provide the director with access to all information the contributing public agency obtains as part of its pretreatment activities;

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

(f) Requirements for monitoring the contributing public agency's discharge;

(g) A provision ensuring the director, or his designee, access to the facilities of users located within the contributing public agency's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the director; and

(h) A provision providing that any proposed new non-domestic user shall complete an application questionnaire, in a form approved by the director, prior to discharging to lines connected to the POTW; and

(i) A provision specifying remedies available for breach of the terms of the inter-local agreement.

(4) Any contributing public agency shall also comply with all parts of chapters 3 through 11 of this title. (2003 Code, § 13-108)

## CHAPTER 2

### ADMINISTRATION

#### CHAPTER

- 18-201. Requirements for proper wastewater disposal.
- 18-202. Duties and authority of the director.
- 18-203. Wastewater appeals board created.
- 18-204. Duties and authority of wastewater appeals board.
- 18-205. Depreciation escrow account.
- 18-206. Contract with first utility district authorized.

**18-201. Requirements for proper wastewater disposal.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Church Hill, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge into any waters of the state within the service area of the City of Church Hill Wastewater Treatment System any sewage or other polluted fluids except where suitable treatment has been provided in accordance with subsequent provisions of this title.

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

(4) Except as provided in this section, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the service area and abutting on any street, or right-of-way in which there is located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this title and the plumbing requirements of the city within sixty (60) days after date of official notice to do so, provided that said sewer is available to the property. Any residence, business or industrial establishment having had sewers available for sixty (60) days shall be considered a user whether connected or not and shall be subject to paying the appropriate user fees and charges or industrial recovery charges as set by ordinance.

(5) An industrial facility may discharge wastewater into the waters of the state provided that it 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. Such facility shall be considered a user of the public sewers of the POTW only if it contributes, causes or permits the contribution of wastewater into the city's POTW.

(6) Where a public sanitary sewer is not available under the provisions of this title, the building shall be connected to a private sewage disposal system complying with the provisions of chapter 3 of this title. (2003 Code, § 13-201)

**18-202. Duties and authority of the director.** Except as otherwise provided herein, the mayor through the director of public works, hereinafter called "director," shall administer, implement and enforce the provisions of this title by and through the department of public works.

(1) The director shall have the following specific powers, duties and responsibilities which may be delegated by the director to other city personnel:

(a) Administer and enforce a pretreatment program in accordance with 40 CFR 403, federal pretreatment program requirements, Tennessee Code Annotated, §§ 69-3-123 - 69-3-129 and the provisions of this title;

(b) Develop and implement a uniform enforcement response plan;

(c) Recommend a schedule of civil penalties for violations of this title;

(d) Maintain all records required by chapters 1 through 10 of this title; and

(e) Issue emergency orders.

(2) The director shall have the following powers, duties and responsibilities which shall not be delegated:

(a) Issue, modify or revoke permits and exceptions, subject to rights of appeal set out herein;

(b) Issue notices of violation whenever it is found that a user has violated, or is violating any permit requirement, order or any provision of this title. Such notice of violation may require submittal of a plan of correction by the user;

(c) Sign and issue consent orders assuring voluntary compliance, including necessary remedial or preventive action, according to a fixed time schedule;

(d) Issue compliance orders;

(e) Conduct show-cause hearings to review facts of alleged violations in order to determine and pursue any appropriate enforcement remedy;

(f) Levy civil penalties for violation of this title, for damages to the POTW, or, for injury to POTW personnel; and

(g) Request the First Utility District of Hawkins County, Tennessee, the Church Hill Utility District, or any other utility supplying potable water terminate water service, terminate sewer service, or both, in conformance with this title.

(3) In the absence or incapacity of the director, and in the event of an emergency, the mayor or his designee shall assume all duties and

responsibilities of the director unless the director shall have previously appointed a person to serve in his stead. (2003 Code, § 13-202)

**18-203. Wastewater appeals board created.** (1) There is hereby created and established, pursuant to Tennessee Code Annotated, §§ 69-3-123 et seq., the wastewater appeals board, hereinafter referred to as "appeals board," which shall be composed of four (4) members as follows:

(a) A member of the board of mayor and aldermen, who shall serve as chairman, but shall have no vote unless there be a tie among voting members.

(b) The city recorder, who shall be an ex officio member.

(c) A faculty member of a local institution of higher learning with an extensive background in environmental science or health who shall be appointed by the mayor, subject to confirmation by the board of mayor and aldermen, for a period of three (3) years. Neither such member, nor their spouse, shall be employed by, or retired from, any business that is a non-domestic sanitary sewer user of the city, or, have any financial interest, direct or indirect, in any such non-domestic sanitary sewer user.

(d) A professional engineer licensed to practice in the State of Tennessee, who shall be nominated by the mayor subject to confirmation by the board of mayor and aldermen, for a period of two (2) years. Neither such member, nor their spouse, shall be employed by, or retired from, any business that is a non-domestic sanitary sewer user of the city, or, have any financial interest, direct or indirect, in any such non-domestic sanitary sewer user.

(2) All appeals board members shall serve without pay or other compensation.

(3) The appeals board shall promulgate such procedural rules as may be deemed necessary in the interest of justice, fairness and impartiality. (2003 Code, § 13-203)

**18-204. Duties and authority of wastewater appeals board.** The appeals board shall have the power, duty and responsibility to:

(1) Hear appeals from orders issued by the director assessing penalties or damages, or revoking or modifying permits;

(2) Affirm, modify or revoke such actions or orders of the director;

(3) Issue notices of appeals, and subpoenas requiring attendance of witnesses, and the production of evidence;

(4) Administer oaths and examine witnesses;

(5) Take such testimony as the appeals board deems necessary; and

(6) Hear appeals of applicants or users for the purpose of reviewing the denial of a permit, or imposition of terms or conditions in permits, or any exceptions granted by the director. (2003 Code, § 13-204)



**18-205. Depreciation escrow account.** A special account designated "Wastewater Treatment System - Depreciation Escrow Account" is to be maintained. Once the annual operating budget for the wastewater treatment system is set, one-twelfth (1/12) of that annual figure designated as "depreciation" shall be set aside from the revenue received each month and deposited in the above described account. The account balance may be allowed to accumulate until the account balance equals or exceeds the annually budgeted line item amount for depreciation. (2003 Code, § 13-205)

**18-206. Contract with first utility district authorized.** The City of Church Hill, Tennessee, may contract with the First Utility District of Hawkins County, Tennessee, to provide for the billing of the sewer bills from the city's wastewater treatment system, for the disconnection of water service in the event of delinquent sewer bills, for the payment of these services, for the adjustment of sewer bills, for the repair of city streets used by the First Utility District, and for establishing a formal relationship between the parties. (2003 Code, § 13-206)

**CHAPTER 3****GENERAL WASTEWATER DISPOSAL REQUIREMENTS****SECTION**

- 18-301. Requirements for proper wastewater disposal.
- 18-302. Physical connections to the public sewer.
- 18-303. Inspection of connections.
- 18-304. Maintenance of building sewers.
- 18-305. Prohibited discharges.
- 18-306. Restrictions on wastewater strength.
- 18-307. Application for exception to discharge criteria.
- 18-308. Conditions applicable to exceptions.
- 18-309. Review of application for exception by the director.

**18-301. Requirements for proper wastewater disposal.** (1) It shall be unlawful to discharge to any waters of the state any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this title.

(2) Except as hereinafter provided, it shall be unlawful to construct or maintain a private wastewater disposal system within the city.

(3) Except as provided in this section, the owner and/or occupant of any house, building or property used for human occupancy, employment, industry, recreation or other purposes situated, where sewers are available, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this title and the plumbing codes of the city within sixty (60) days after the date of official notice to do so, provided that said sewer is within two hundred (200) feet of the structure and at suitable elevation. For purposes of this section, "suitable elevation" shall be applicable only to residential structures. For all other uses, the owner is required to connect to the sewer by any means available including the use of a pump to carry the sewage to a higher elevation provided pumping equipment is commercially available to accomplish this task. Any residence, business or industrial establishment having sewers available for sixty (60) days shall be considered a user whether connected or not and shall be subject to paying all valid charges imposed by the city code and appropriate fees as established by resolution of the board of mayor and aldermen.

(4) Where a sewer is not available, the building shall be connected to a private wastewater disposal system complying with the provisions of chapter 4 of this title and any requirements of the state.

(5) An industrial facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all the requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state or federal statutes and regulations. Such facility shall be considered a user of the public sewers or the POTW only if it contributes, causes or permits the contribution of wastewater into the POTW.

(6) All industrial users not holding an NPDES permit shall be required to connect to the POTW if a public sewer is available.

(7) Trunk and interceptor lines and appurtenances outside the city limits must be installed to meet the code specifications of the city then in effect. Upon completion and prior to acceptance by the board of mayor and aldermen each project or addition must be inspected to insure code compliance. The transfer of ownership of each addition must include easements for maintenance and the exclusive right to control the lines and appurtenances as set forth in the governing codes. (2003 Code, § 13-301, as amended by Ord. #11-445, July 2011)

**18-302. Physical connections to the public sewer.** (1) All sanitary sewers and appurtenances to be connected to the POTW, whether located inside or outside the city limits, shall be installed in conformance with state and city code specifications then in effect. Upon completion and prior to acceptance by the board of mayor and aldermen, each project or addition shall be inspected and approved by the city to ensure compliance. Building sewers and service lines shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of Practice No. 9. No other conduit shall be laid parallel to and within five (5) feet of any house sewer. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(2) No acceptance shall be made of sewers or sewer lines unless and until easements are provided for maintenance with the exclusive right to control the lines and appurtenances as set forth in the governing codes.

(3) No person shall fill, cover, uncover, make any connection to, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(4) All costs and expenses incident to the installation, connection and inspection of the building sewer, shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The director shall assess a charge against the user for work required to repair damages and add such charge to the user's sewer service charge.

(5) Building sewers shall conform to all applicable building and plumbing codes of the city.

(6) Previously existing building sewers may be used in connection with new buildings only when they are found upon examination and testing by the city to meet all requirements of this title. All others shall be sealed to the specifications of the building official.

(7) No person shall connect roof down spouts, exterior foundation drains, areaway drains or any other drain used exclusively for the carrying away of precipitation, ground water, or surface water run-off to a building sewer

which is connected directly or indirectly to the POTW, unless specifically authorized by the director.

(8) Each building connected with a sanitary sewer shall have its own separate building sewer connecting it with the sanitary sewer main, except that when several small houses are on the same lot and have the same owner, they may, if approved by the building official, have their separate fixtures connected with one large house sewer. Each apartment or dwelling unit within a building shall be considered as a separate customer and shall be billed accordingly, at prevailing rates. (2003 Code, § 13-302)

**18-303. Inspection of connections.** All connections from the building to the public sewer line shall be inspected by the city to ensure compliance with this title and all building code requirements. (2003 Code, § 13-303)

**18-304. Maintenance of building sewers.** Each individual user of the POTW shall be entirely responsible for maintenance of the building sewer. Said maintenance shall include repair or replacement as deemed necessary by the city. (2003 Code, § 13-304)

**18-305. Prohibited discharges.** (1) General prohibitions. No user shall introduce, or cause or allow to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. This section shall apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

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

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

(b) Pollutants which may cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than or equal to 10.5 Standard Units, unless the POTW is specifically designed to accommodate such discharges.

(c) Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW resulting in interference, such as, but not limited to, grease, garbage, 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 grain, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuels or lubricating oil,

mud, or glass grinding or polishing wastes, but in no case solids greater than one-half inch in any dimension.

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

(e) Wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat polluted wastewater which causes the temperature at the introduction into the treatment plant to exceed 40°C (104°F), unless the director approves alternate temperature limits.

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

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

(h) Trucked or hauled pollutants, except at discharge points designated by the director.

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

(j) Wastewater which imparts color which cannot be removed by the treatment process to the point of thereby violating the city's NPDES permit.

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

(l) Storm water, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated non-contact cooling water, unless specifically authorized by the director.

(m) Sludge, screenings or other residues from the pretreatment of industrial wastes.

(n) Medical waste, except as specifically authorized by the director in a wastewater discharge permit.

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

(p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(q) Fat, oil or grease of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

(r) Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or explosion hazard or

be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.).

(s) Enzymes, hot water, emulsifiers or other agents to cause oil or grease to pass through the user's grease trap or treatment unit designed to remove oil and grease.

(t) Increased use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

(u) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (2003 Code, § 13-305)

**18-306. Restrictions on wastewater strength.** No user shall discharge wastewater which exceeds the standards set out herein in Table "A," User Discharge Restrictions, unless an exception is permitted in this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this title.

The director shall monitor the treatment works influent for each parameter in Table "A." Non-domestic users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in Table "A" below. In the event that the influent at the POTW reaches or exceeds the established allowable loadings for these parameters, the director shall initiate technical studies to determine the cause of the influent violation and shall recommend to the board of mayor and aldermen the necessary remedial measures, including but not limited to establishment of new or revised pretreatment levels for these parameters. The director shall also recommend changes to any of these criteria in the event that the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

The following pollutant limits are established to protect against pass through and interference. Unless specifically authorized by the terms of a wastewater discharge permit or special agreement as authorized by § 18-105, no user shall discharge wastewater containing in excess of the following daily maximum or monthly average allowable discharge limits:

**TABLE "A"**  
**USER DISCHARGE RESTRICTIONS**

<b>Pollutant</b>	<b>Daily Maximum Limit (mg/l)*</b>
Ammonia Nitrogen	200.00
Arsenic	0.53
Benzene	0.34
Boron	0.92
Cadmium	0.54
Carbon Tetrachloride	0.27
Chloroform	4.09
Chromium	3.35
Copper	7.89
Cyanide	4.77
Ethylbenzene	0.73
Lead	3.96
MBAS, Surfactants	200.00
Mercury	0.03088
Methylene Chloride	1.75
Molybdenum	2.39
Naphthalene	0.22

**TABLE "A"**  
**USER DISCHARGE RESTRICTIONS**

<b>Pollutant</b>	<b>Daily Maximum Limit (mg/l)*</b>
Nickel	4.99
Phenols, Total	1.85
Phthalates, Total**	2.09
Selenium	3.92

Silver	0.10
Tetrachloroethylene	2.55
Toluene	6.89
Trichloroethylene	1.83
Zinc	7.13
1,1,1 Trichloroethane	4.60
1,2 trans Dichloroethylene	0.13
Oil & Grease	100
Total Suspended Solids (TSS)	250
Biochemical Oxygen Demand (BOD)	250

\* Based on twenty-four (24) hour flow proportional composite samples (if appropriate for parameter.)

\*\* Total Phthalates is defined as the sum of Benzyl butyl phthalate, Bis (2-ethylhexyl) phthalate, Di-butyl phthalate, and Diethylphthalate.

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

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (2003 Code, § 13-306)

**18-307. Application for exception to discharge criteria.**

Non-domestic users of the POTW may apply for a temporary exception to the wastewater discharge restrictions established by § 18-306. Exceptions may be granted according to the guidelines set out herein below. The director shall allow applications for temporary exceptions at any time, however, the director shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied. Any exception granted shall not exceed one hundred eighty (180) days.

Upon finding that the POTW treatment process may be jeopardized, the director may revoke an exception. (2003 Code, § 13-307)

**18-308. Conditions applicable to exceptions.** A user requesting an exception shall demonstrate to the director that he is making a concentrated



and serious effort to maintain high standards of operation control so that restricted discharges to the POTW are being minimized. If negligence is found, exceptions will be subject to termination. A user requesting an exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (1) Interfere with collection or the operation of the POTW;
- (2) Limit sludge management alternatives or increase the cost of providing adequate sludge management; or
- (3) Pass through the POTW in quantities or concentrations that would cause the POTW to violate its NPDES permit. (2003 Code, § 13-308)

**18-309. Review of application for exception by the director.** All applications for exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following the notification by the director to correct such deficiencies. This thirty day period may be extended upon approval and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days and make a determination. The director shall consider:

- (1) Whether or not the applicant is subject to a national categorical pretreatment standard containing discharge limitations more stringent than those in § 18-306. No exception will be granted if the national categorical pretreatment standard is equal to or more stringent than the discharge restrictions listed in § 18-306;

- (2) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under provisions of 33 U.S.C. § 1317, and then grant an exception only if such exception is within limitations of applicable federal regulations;

- (3) 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;

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

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

- (6) 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.

The appeals board shall hear appeals from the director's decisions. (2003 Code, § 13-309)

**CHAPTER 4****PRIVATE WASTEWATER DISPOSAL SYSTEMS  
AND HOLDING TANKS****SECTION**

18-401. Availability of system.

18-402. Requirements for private domestic systems.

18-403. Regulation of holding tank waste disposal.

18-404. Hauled non-domestic wastewater.

**18-401. Availability of system.** (1) Where the POTW is not available under the provision of § 18-301, the building sewer shall be connected to a private wastewater disposal system complying with provisions of this chapter.

(2) For any residence used for human occupancy where the building is below the elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner may provide a pump suitable for this type of service to provide the necessary lift for the building service. For all other uses where toilet facilities are employed, including office, recreational facility or other establishments used for human occupancy, where the building is below the elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner shall provide a pump suitable for this type service to provide the necessary lift for the building service. In any of the above situations, the owner shall be responsible for the maintenance or replacement of the pump.

(3) When a public sewer becomes available, connection shall be made to said sewer within sixty (60) days after date of official notice to do so, and any septic tank or other private disposal facility shall be abandoned. (2003 Code, § 13-401, as amended by Ord. #11-445, July 2011)

**18-402. Requirements for private domestic systems.** (1) Private domestic wastewater disposal systems shall not be constructed within the city until a letter is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No letter shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the state or the Hawkins County Health Department.

(2) Before commencement of construction of a private wastewater disposal system, the owner shall obtain a written permit from the appropriate state or county agency. It shall be the responsibility of the owner to supply any plans, specifications, and other information needed by such agency(ies).

(3) Private wastewater disposal systems shall not be placed in operation until the installation is approved by the county or state. The work may be inspected at any stage of construction and in any event, the owner shall notify the state or county when the work is ready for final inspection, and before any underground portions are covered.

(4) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate

agency of the state. No septic tanks or cesspools shall be permitted to discharge to the waters of the state except as specifically permitted for the appropriate system.

(5) The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at the owner's expense.

(6) No part of this title shall be construed to interfere with any additional requirements that may be imposed by the state. (2003 Code, § 13-402)

**18-403. Regulation of holding tank waste disposal.** (1) Permit. No person shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system within the city unless such person obtains a permit from the director to perform such acts or services. Any person desiring a permit to perform such services shall file an application on the prescribed form. Upon such application, a permit shall be issued by the director when the conditions of this chapter have been met, provided the director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. The director may require domestic septic tank waste haulers to obtain wastewater discharge permits.

(2) Fees. For each permit issued under the provisions of this chapter, an annual fee shall be paid as established by resolution of the board of mayor and aldermen. Any such permit granted shall be for one (1) full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The director shall designate approved locations for the emptying and cleaning of all equipment used in the performance of the services rendered as provided for, and it shall be a violation for any person to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all provisions of this title shall be sufficient cause for the revocation of such permit by the director. The possession within the service area by any persons of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Church Hill. (2003 Code, § 13-403)

**18-404. Hauled non-domestic wastewater.** Non-domestic waste haulers shall be subject to all the provisions of § 18-403, and, in addition:

(1) The director shall require haulers of non-domestic waste or wastewater to obtain wastewater discharge permits. The director may require generators of hauled non-domestic waste to obtain wastewater discharge permits. The director may also prohibit the disposal in the POTW of hauled non-domestic waste. The discharge of hauled non-domestic waste is subject to all other requirements of this title.

(2) Non-domestic waste haulers may discharge loads only at locations designated by the director and with the prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require non-domestic waste haulers to provide a waste analysis of any load prior to discharge.

(3) Non-domestic waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the non-domestic waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (2003 Code, § 13-404)

## CHAPTER 5

### PRETREATMENT

#### SECTION

- 18-501. National categorical pretreatment standards.
- 18-502. Pretreatment facilities.
- 18-503. Additional pretreatment measures.
- 18-504. Dilution.
- 18-505. New sources.

**18-501. National categorical pretreatment standards.** (1) The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby incorporated by reference, the same as if copied verbatim herein.

(2) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(4) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(5) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (2003 Code, § 13-501)

**18-502. Pretreatment facilities.** Users shall provide wastewater pretreatment as necessary to comply with § 18-306 of this title and shall achieve compliance with all applicable categorical pretreatment standards and local limits within the time limitations specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. Review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this title. (2003 Code, § 13-502)

**18-503. Additional pretreatment measures.** (1) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with requirements of this title.

(2) The director may require, provided just cause exists, any user discharging into the POTW to install and maintain on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil or sand; except that such interceptors shall not be required for domestic users. All interception units shall be of type and capacity approved by the director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired as needed, by the user at their expense.

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

(5) Any industrial, commercial or manufacturing facility having upon the premises any raw material, intermediate material, finished products, byproducts, residue, waste material or other substance that has the potential to adversely impact the POTW, the environment, or the health or safety of POTW personnel may be ordered, at the discretion of the director, to sample or monitor the wastewater stream at the expense of the user. (2003 Code, § 13-503)

**18-504. Dilution.** No user shall ever increase the volume of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who use dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (2003 Code, § 13-504)

**18-505. New sources.** New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable national categorical pretreatment standards before beginning to discharge. Within the shortest time feasible (not to exceed ninety (90) days),

new sources must meet all applicable pretreatment standards. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with such standard. (2003 Code, § 13-505)

## CHAPTER 6

### WASTEWATER DISCHARGE PERMITS

#### SECTION

- 18-601. Application for discharge of wastewater.
- 18-602. Characteristics of non-domestic or industrial wastewater.
- 18-603. Sampling and monitoring to determine necessity of pretreatment.
- 18-604. Non-domestic wastewater producers -- new connections.
- 18-605. Wastewater discharge permit application contents.
- 18-606. Application signatures and certification.
- 18-607. Applications by significant industrial users and categorical users.
- 18-608. Wastewater discharge permit conditions.
- 18-609. Violation of terms or conditions.
- 18-610. Wastewater discharge permit modifications.
- 18-611. Permit transfers.
- 18-612. Permit revocation or suspension.
- 18-613. Wastewater discharge permit decisions.
- 18-614. Wastewater discharge permit duration.
- 18-615. Wastewater discharge permit contents.
- 18-616. Notice of issuance.
- 18-617. Petition to the director to reconsider.
- 18-618. Wastewater discharge permit renewal.

**18-601. Application for discharge of wastewater.** (1) Applications shall be required from all new dischargers of wastewater, as well as for any existing discharger desiring additional service. Connection to the POTW shall not be made until the application is approved in writing by the city and the building sewer is installed in accordance with § 18-302 of this title.

(2) Receipt of an application for service shall not obligate the city to render such service. If the service applied for cannot be provided in accordance with this title and the city's rules and regulations, the connection charge will be refunded in full and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time. (2003 Code, § 13-601)

**18-602. Characteristics of non-domestic or industrial wastewater.** When requested by the director, a non-domestic user shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director shall prepare a form for this purpose and may periodically require non-domestic users to update this information.



Upon analysis of the wastewater characteristics and the type, volume and nature of activities, processes and material carried out or located upon the user's premises, the director may require a user to obtain a wastewater discharge permit as necessary to carry out the purposes of this title. (2003 Code, § 13-602)

**18-603. Sampling and monitoring to determine necessity of pretreatment.** Any industrial, commercial or manufacturing facility having upon the premises any raw material, intermediate material, finished products, byproducts, residue, waste material or other substance that has the potential to adversely impact the POTW, the environment, or the health or safety of POTW personnel shall be subject to the provisions of § 18-602. (2003 Code, § 13-603)

**18-604. Non-domestic wastewater producers – new connections.** Any user required to obtain a wastewater discharge permit and who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §§ 18-601 *et seq.*, of this title, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence. (2003 Code, § 13-604)

**18-605. Wastewater discharge permit application contents.** All users required to obtain a wastewater discharge permit shall submit an application accompanied by the fee established by resolution of the board of mayor and aldermen. The director may require all users to submit, as part of an application, the following information:

- (1) All information required by § 18-616 of this title;
- (2) A description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and average and maximum amounts per day of raw materials processed;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and shall be returned to the user for revision or completion. Said application shall be re-submitted within thirty (30) days. (2003 Code, § 13-605)

**18-606. Application signatures and certification.** All non-domestic wastewater discharge permit applications and any reports required by this title shall be signed by an authorized representative of the user and contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (2003 Code, § 13-606)

**18-607. Applications by significant industrial users and categorical users.** (1) All significant industrial users (SIUs) or categorical users required to obtain a wastewater discharge permit shall complete and file with the director an application accompanied by the wastewater discharge permit fee established by resolution of the board of mayor and aldermen. Existing unpermitted categorical users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this title. All other existing unpermitted SIUs shall apply for a wastewater discharge permit within one hundred and eighty (180) days after the effective date. Proposed SIUs shall apply at least one hundred and eighty (180) days prior to connecting to or contributing to the POTW. The director may reduce or extend the deadline for new discharge applications.

(2) The application shall be on a form prescribed by the city and shall include but not be limited to the following information: Name, address, location if different from address and the Standard Industrial Classification (SIC) number of the applicant; wastewater volume; wastewater constituents and characteristics; discharge variations; description of all toxic materials handled on the premises; details showing all POTW connections by size, location and elevation; description of existing and proposed pretreatment facilities and other information deemed necessary by the director. Such additional information may include but is not limited to site plans, floor plans, mechanical and plumbing plans, and details showing all sewer appurtenances by size, location and elevation.

(3) Upon a finding that a user meeting the criteria for an SIU has no reasonable potential for adversely affecting the POTW's operation or for

violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(4) As part of the application for a wastewater discharge permit, any user who elects or is required to construct new or additional facilities for pretreatment shall submit plans, specifications and other pertinent information relative to the proposed construction to the director for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state. 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 a user of the responsibility of modifying the facility as necessary to produce an effluent which complies with the terms of this title and an applicable wastewater discharge permit.

(5) If additional pretreatment, operation or maintenance will be required to meet pretreatment standards, the application shall include the shortest completion schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this section, "pretreatment standards" shall include either a national pretreatment standard, as specified in title 40 CFR, Protection of the Environment, or a pretreatment standard imposed by chapter 5 of this title.

(6) The following conditions shall apply to a completion schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.); however, no time increment shall exceed nine (9) months.

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

(7) The director shall evaluate data furnished by the user and may require additional information. After evaluation and acceptance of the data

furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.

(8) Receipt by the director of a prospective customer's application for a wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this title, the application shall be rejected and the city shall have no liability to provide such service.

(9) The director shall act only on applications containing all the information required in this section. Users who file incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within such extended period as allowed by the director, he shall deny the application and notify the applicant in writing of such action. (2003 Code, § 13-607)

**18-608. Wastewater discharge permit conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this title and all other applicable regulations, user charges and fees established by the city. (2003 Code, § 13-608)

**18-609. Violation of terms or conditions.** Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this title and subject the permit holder to the penalties set out herein. Obtaining a wastewater discharge permit shall not relieve a user of the obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law. (2003 Code, § 13-609)

**18-610. Wastewater discharge permit modifications.** The director may modify a wastewater discharge permit for good cause, including but not limited to, the following reasons:

(1) To incorporate new or revised federal, state or local pretreatment standards or requirements, permits of industries subject to such standards will be modified to required compliance within nine (9) months of promulgation.

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the permit was issued;

(3) A change in the POTW requiring either a temporary or permanent reduction or elimination of authorized discharges;

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

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

- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator as provided in § 18-611. (2003 Code, § 13-610)

**18-611. Permit transfers.** (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance written notice to the director and the director approves the permit transfer.

(2) Within ten (10) days of completion of the transfer in operational control, but in no case later than ninety (90) days after the date of approval as set out in (1) above, the new owner or operator shall provide written certification to the director that:

- (a) States that the new owner or operator has no immediate intent to change the facility's operations or processes that affect the quality or quantity of the wastewater discharge;
- (b) Identifies the specific date on which the transfer occurred;
- (c) Acknowledges full responsibility for complying with an existing wastewater discharge permit; and
- (d) Contains a statement conforming to § 18-606, hereinabove, signed by the new owner or operator.

(3) Failure to comply with this section shall render the wastewater discharge permit void as of the date of facility transfer. (2003 Code, § 13-611)

**18-612. Permit revocation or suspension.** A wastewater discharge permit is subject to suspension or revocation in whole or in part during its term for cause, including, but not limited to, the following:

- (1) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this title.
- (2) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
- (3) An unreported change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- (4) Failure to accurately report discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics;
- (5) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (6) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

- (7) Falsifying self-monitoring reports;
- (8) Tampering with monitoring equipment;
- (9) Failure to meet effluent limitations;
- (10) Failure to pay fees, penalties or sewer use charges;
- (11) Failure to meet compliance schedules;
- (12) Failure to complete a wastewater survey or the wastewater discharge permit application; or
- (13) Failure to provide advance notice of the transfer of ownership of a permitted facility.

A wastewater discharge permit shall be voidable upon cessation of operations. Any wastewater discharge permit issued to a particular user shall be void upon issuance of a new wastewater discharge permit to that user for that location. (2003 Code, § 13-612)

**18-613. Wastewater discharge permit decisions.** The director shall evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the director shall determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit only for good cause, which shall be specified in writing to the applicant. (2003 Code, § 13-613)

**18-614. Wastewater discharge permit duration.** A wastewater discharge permit shall be issued for a specified time period, but not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the director. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

A user is authorized to continue discharge under the terms and conditions of an existing permit provided that an application for reissuance of the permit is filed no later than one hundred eighty (180) days prior to the expiration date for the permit. (2003 Code, § 13-614)

**18-615. Wastewater discharge permit contents.** (1) A wastewater discharge permit shall include such conditions as deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(2) Wastewater discharge permits shall contain, but not be limited to, the following:

- (a) A statement indicating the duration of the permit which shall not exceed five (5) years;

(b) A statement that the wastewater discharge permit is non-transferable without prior written approval of the director;

(c) Effluent limits based on applicable pretreatment standards;

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

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

(3) Wastewater discharge permits may contain, but need not be limited to, the following:

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

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

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

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

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

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

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

(h) Requirements for submission of technical reports of discharge characteristics;

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

(j) Requirements for notification of slug discharges; and

(k) Other conditions as deemed appropriate by the director to ensure compliance with this title, and state and federal laws, rules, and regulations. (2003 Code, § 13-615)

**18-616. Notice of issuance.** Each completed application shall be evaluated and if a tentative decision to issue a permit is made, then the director shall prepare a draft permit for review by the user, and, provide public notice of the intent to issue the permit. The director shall issue a copy of the draft permit to the user with the stipulation that written comments concerning the draft permit shall be submitted within thirty (30) days of receipt thereof, and also make the draft permit available to all interested parties. All comments received within the comment period shall be considered by the director prior to issuance of the final permit. (2003 Code, § 13-616)

**18-617. Petition to the director to reconsider.** (1) Any person, including the user, may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) If the director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. The director shall provide notice to the user of his failure to act and such notice shall include the rationale for the failure to act.

(4) A decision by the director not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit as requested may be reviewed by the appeals board.

(5) An appeal pursuant to § 18-918 may be filed concurrent with or in lieu of a petition to reconsider. (2003 Code, § 13-617)

**18-618. Wastewater discharge permit renewal.** A user with an expiring wastewater discharge permit shall apply for a new wastewater discharge permit by submitting a complete permit application in accordance with this title not less than one hundred eighty (180) days prior to expiration of the existing permit. (2003 Code, § 13-618)



## CHAPTER 7

### REPORTING REQUIREMENTS

#### SECTION

- 18-701. Baseline monitoring reports.
- 18-702. Compliance schedule progress reports.
- 18-703. Reports on compliance with categorical pretreatment standard deadline.
- 18-704. Periodic compliance reports.
- 18-705. Reports of changed conditions.
- 18-706. Reports from unpermitted users.
- 18-707. Notice of violation/repeat sampling and reporting.
- 18-708. Notification of accidental discharge and control plans.
- 18-709. Slug reporting and control.
- 18-710. Slug control plan.
- 18-711. Notification of the discharge of hazardous waste.
- 18-712. Analytical requirements.
- 18-713. Sample collection.
- 18-714. Record keeping.

**18-701. Baseline monitoring reports.** (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical or significant industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) Identifying information. The name and address of the facility, including the name of the operator and owner.

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

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

(d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with this article.

(iii) Sampling must be performed in accordance with procedures set out in § 18-711 of this title.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a professional engineer licensed to practice in Tennessee, or, a certified plant engineer certified by the American Institute of Plant Engineers, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-702 of this title. (2003 Code, § 13-701)

**18-702. Compliance schedule progress reports.** The following conditions shall apply to the compliance schedule required by § 18-701(2)(g) of this title:

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

- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the director. (2003 Code, § 13-702)

**18-703. Reports on compliance with categorical pretreatment standard deadline.** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in § 18-701(2)(d-g) of this title. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-606 of this title. (2003 Code, § 13-703)

**18-704. Periodic compliance reports.** (1) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year, in March and September, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

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

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in § 18-710 of this title, the results of this monitoring shall be included in the report. (2003 Code, § 13-704)

**18-705. Reports of changed conditions.** (1) Each user shall notify the director of any changes to the user's operations or system which may alter

the nature, quality or volume of its wastewater at least thirty (30) days before any planned change occurs, or as early as practicable under the circumstances in all other cases.

(2) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §§ 18-601 et seq., of this title.

(3) The director may issue a wastewater discharge permit under chapter 6 of this title or modify an existing wastewater discharge permit under § 18-610 of this title in response to changed conditions or anticipated changed conditions. (2003 Code, § 13-705)

**18-706. Reports from unpermitted users.** All users not required to obtain a wastewater discharge permit shall provide such reports as the director may require. (2003 Code, § 13-706)

**18-707. Notice of violation/repeat sampling and reporting.** If sampling performed by a user indicates a violation, the user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. (2003 Code, § 13-707)

**18-708. Notification of accidental discharge and control plans.**

(1) Protection from accidental discharge. All non-domestic users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW from liquid or raw material storage areas, truck and rail car loading and unloading areas, in-plant transfer or processing and materials-handling areas, and from diked areas or holding ponds. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this title shall be subject, on a case by case basis, to a special permit condition or the requirement for the construction of facilities and 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 of facilities and operating procedures required by this subsection shall be submitted to the director before the facility is constructed. Review and approval of said plans and operating procedures will in no way relieve the user of responsibility for modifying the facility to provide the protection necessary to meet the requirements of this title.

(2) Notification of accidental discharge. Any person causing or suffering any accidental discharge shall, immediately upon becoming aware of such discharge, notify the director or his designated representative by telephone

to enable counter-measures to be taken to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. This notification shall be followed within five (5) days of the date of the occurrence by a detailed written statement describing the cause of the accidental discharge and measures being taken to prevent future occurrence. Upon request by a user, the director may grant an exception to the written notification requirement. Such notification shall not relieve the user of liability for any expense, loss or damage to the POTW, natural resources, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this title or state or federal law.

(3) Notice to employees. Employers shall ensure that all employees who may cause, suffer, or become aware of, such discharges are aware of the emergency notification procedure.

(4) Failure to comply with this section shall constitute a violation of this title. (2003 Code, § 13-708)

**18-709. Slug reporting and control.** All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for slug discharges.

(1) Any user who has a history of slug discharges shall be subject, on a case by case basis, to a requirement to construct facilities and establish procedures which will prevent or minimize the potential for slug discharges. Such facilities shall be provided and maintained at the user's expense. Detailed plans of facilities and operating procedures required by this sub-section shall be submitted to the director before the facility is constructed. Review and approval of said plans and operating procedures will in no way relieve the user of responsibility for modifying the facility to provide the protection necessary to meet the requirements of this title.

(2) Any person causing or suffering any slug discharge shall, immediately upon becoming aware of such discharge, notify the director or his designated representative by telephone to enable counter-measures to be taken to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. This notification shall be followed within five (5) days of the date of the occurrence by a detailed written statement describing the cause of the slug discharge and measures being taken to prevent future occurrence. Such notification shall not relieve the user of liability for any expense, loss or damage to the POTW, natural resources, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this title or state or federal law.

(3) Employers shall ensure that all employees who may cause, suffer, or become aware of, such slug discharges are aware of the emergency notification procedure.

(4) Failure to comply with this section shall constitute a violation of this title. (2003 Code, § 13-709)

**18-710. Slug control plan.** Certain industrial users will be required to develop and implement an accidental discharge/slug control plan under 40 CFR 403.8(f)(2)(v). At least once every two (2) years, the City of Church Hill, Tennessee, shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit such a plan to the City of Church Hill, Tennessee, which at a minimum addresses the following:

(1) Description of discharge practices including non-routine discharges;

(2) Description of stored chemicals, oil, fuel, etc;

(3) Procedures for immediate notification to the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(4) Procedures to prevent adverse impact from any accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading, operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (2003 Code, § 13-710)

**18-711. Notification of the discharge of hazardous waste.** (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the user discharges more than seventy (70) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and, an estimate of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However,

notifications of changed conditions must be submitted under § 18-705 of this title. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-701 *et seq.*, of this title.

(2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the waste is acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

(5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this title, a permit issued hereunder, or any applicable federal or state law.

(6) All industries permitted by the POTW shall make a one-time notification to the City of Church Hill, Tennessee, on the hazardous waste notification form. Hazardous waste notification forms may be obtained through the office of the director. (2003 Code, § 13-711)

**18-712. Analytical requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (2003 Code, § 13-712)

**18-713. Sample collection.** (1) Except as indicated in sub-section (2) below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a

minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Each grab sample must be analyzed separately. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) A minimum of two (2) grab samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds shall be obtained using grab collection techniques. Grab samples shall be analyzed separately and the results of the grab samples composited.

(3) For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. (2003 Code, § 13-713)

**18-714. Record keeping.** Users subject to the reporting requirements of this title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this title, calibration of monitoring equipment records, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been specifically notified of a longer retention period by the director. (2003 Code, § 13-714)



## CHAPTER 8

### COMPLIANCE MONITORING

#### SECTION

18-801. Right of entry and inspection.

18-802. Monitoring and sampling facilities.

18-803. Search warrants.

**18-801. Right of entry and inspection.** (1) The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this title and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties required by this title.

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

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

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

(5) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this title.

(6) While performing the necessary work on private properties, the city and duly authorized employees or agents of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees or agents and the city shall indemnify the company against loss or damage to its property by city employees or agents against the company and growing out of other monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) The city will conduct, at minimum, semi-annual wastewater monitoring and semi-annual facility inspections of all permitted industries. (2003 Code, § 13-801)

**18-802. Monitoring and sampling facilities.** (1) The installation of a monitoring facility shall be required for all users regulated by a wastewater

discharge permit. All other users may be required to provide suitable monitoring facilities. The purpose of the facility is to enable inspection, sampling and flow measurement of the wastewater produced by a user.

(2) Monitoring facilities shall be located on the user's premises outside of any building unless an exception is approved by the director in writing.

(3) The director may require separate monitoring facilities to be installed for each source of discharge of a single user.

(4) The monitoring facility shall be a manhole or other suitable facility approved by the director and shall be constructed and maintained at the user's expense.

(5) If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense. Such sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. There shall be ample room in or near all monitoring facilities to allow accurate sampling and preparation of samples for analysis.

(6) All monitoring facilities shall be constructed and maintained at the user's expense in accordance with the director's requirements and all applicable local building codes. Construction must be completed not later than one hundred eighty (180) days after permit approval, unless an extension is granted by the director.

(7) All devices used to measure wastewater flow and quality shall be calibrated not less than every three (3) months to ensure accuracy. (2003 Code, § 13-802)

**18-803. Search warrants.** If the director has been refused reasonable access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this title, or that there is a need to inspect or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this title or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the appropriate court. (2003 Code, § 13-803)

**CHAPTER 9**  
**ENFORCEMENT**

**SECTION**

- 18-901. Remedies nonexclusive.
- 18-902. Publication of violations.
- 18-903. Adoption of enforcement response plan.
- 18-904. Notification of violation.
- 18-905. Consent orders.
- 18-906. Show cause hearing.
- 18-907. Compliance orders.
- 18-908. Cease and desist orders.
- 18-909. Emergency suspensions.
- 18-910. Termination of discharge.
- 18-911. Method of assessment.
- 18-912. Assessment for non-compliance with permits or orders.
- 18-913. Civil penalties.
- 18-914. Performance bonds.
- 18-915. Financial assurance.
- 18-916. Water supply severance.
- 18-917. Injunctive relief.
- 18-918. Appeals to wastewater appeal board.
- 18-919. Additional stay.
- 18-920. Judicial review.

**18-901. Remedies nonexclusive.** The remedies provided for in this title are not exclusive and the director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any non-compliant user. (2003 Code, § 13-901)

**18-902. Publication of violations.** The director shall cause to be published annually, in the largest daily newspaper serving the municipality, a list of users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

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

(3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;

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

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.

If any published violation has been appealed by the user and that appeal has not been resolved, then the published notice shall so indicate. (2003 Code, § 13-902)

**18-903. Adoption of enforcement response plan.** An enforcement response plan, including a schedule of civil penalties which may be assessed for certain specific violations or categories of violations, shall be established by resolution of the board of mayor and aldermen. Any civil penalty assessed to a violator pursuant to this section may be in addition to any other penalty assessed by a state or federal authority. (2003 Code, § 13-903)

**18-904. Notification of violation.** (1) When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of this notice, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take

any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Any notice or order issued pursuant to this title shall also contain notification to the violator of his right of appeal to the wastewater appeals board, or, the right of appeal to the Chancery Court of Hawkins County, Tennessee. (2003 Code, § 13-904)

**18-905. Consent orders.** The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents shall include specific action to be taken by the user to correct the non-compliance within a time period specified in the document. Such documents shall have the same force and effect as orders issued pursuant to §§ 18-907 and 18-908 of this title and shall be judicially enforceable. (2003 Code, § 13-905)

**18-906. Show cause hearing.** The director may order a user which has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user, but shall be a prerequisite for issuing any compliance order, cease or desist order, termination of service, or assessment of civil penalties, except as provided by § 18-909. (2003 Code, § 13-906)

**18-907. Compliance orders.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued upon thirty (30) days written notice, unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement,

nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-907)

**18-908. Cease and desist orders.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-908)

**18-909. Emergency suspensions.** (1) If the director finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency.

(2) Any user notified of a suspension of its discharge shall immediately eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in § 18-910 of this title are initiated against the user.

(3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under §§ 18-906 or 18-910 of this title.

(4) Nothing herein shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(5) Any user whose discharge is suspended pursuant to this section, on petition to the appeal board shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) working days from the receipt of such a petition by the director. (2003 Code, § 13-909)

**18-910. Termination of discharge.** In addition to the provisions of § 18-612 of this title, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
  - (5) Violation of the pretreatment standards in chapter 5 of this title;
- or
- (6) Failure to pay sewer user charges, administrative penalties, inspection fees, or any other fee or charge authorized herein.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-906 of this title why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-910)

**18-911. Method of assessment.** Civil penalties shall be assessed in the following manner:

- (1) The director may issue an assessment against any person responsible for the violation;
- (2) Any person against whom an assessment has been issued may secure a review of said assessment by filing with the director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter before the appeals board. If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the user shall be deemed to have consented to the assessment and it shall become final;
- (3) If any assessment becomes final because of a person's failure to appeal the director's assessment, the director may apply to the appropriate court for a judgment and seek execution of said judgment, and the court in such proceedings shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Upon final order, if payment is not made the director may request the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water terminate water service.
- (4) In assessing civil penalties the director shall consider the following factors:
  - (a) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

- (b) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, and also including any penalties, costs and attorney's fees incurred by the city as the result of the 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 the POTW and upon the quality and quantity of the receiving waters;
- (e) Effectiveness of action taken by the violator to provide a remedy;
- (f) The technical and economic reasonableness of reducing or eliminating the discharge; and
- (g) The economic benefit gained by the violator. (2003 Code, § 13-911)

**18-912. Assessment for non-compliance with permits or orders.**

- (1) The director may assess any polluter or violator for damages to the city resulting from any person's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or any part of this title.
- (2) If an appeal from such assessment is not made to the appeals board by the violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
- (3) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or §§ 18-501--18-504, in removing, correcting, and terminating any pollution, and also compensation for any actual damages to the POTW, or to personnel employed therein, caused by the violation. (2003 Code, § 13-912)

**18-913. Civil penalties.** (1) A civil penalty up to the maximum permitted by the Constitution and laws of the state, not to exceed ten thousand dollars (\$10,000.00) per day, may be assessed against any user who has violated, or continues to violate, any provision of this title or any of the following:

- (a) A wastewater discharge permit;
- (b) Any valid order issued hereunder;
- (c) Any pretreatment standard or requirement;
- (d) Any terms or conditions of a permit issued pursuant to the pretreatment program;
- (e) Fails to complete a filing requirement of the pretreatment program;
- (f) Fails to allow entry, inspection, or monitoring; or, violates reporting requirements;
- (g) Fails to pay user or cost recovery charges imposed by the pretreatment program; or



(h) Violates a final determination or order of the appeals board or director.

(2) The director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) In determining the amount of civil liability, account shall be taken of all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor provided by law. (2003 Code, § 13-913)

**18-914. Performance bonds.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Church Hill in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (2003 Code, § 13-914)

**18-915. Financial assurance.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (2003 Code, § 13-915)

**18-916. Water supply severance.** Whenever a user has violated or continues to violate any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, potable water service to the user provided by the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water service may be severed. Users holding a valid wastewater discharge permit shall be given ten (10) days written notice by certified mail prior to the severance of said water supply. Severance of water service for all other users shall be in conformance with the inter-local agreement between the City of Church Hill and the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water service. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply with this title. (2003 Code, § 13-916)

**18-917. Injunctive relief.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the appropriate court, through the city attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this title on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (2003 Code, § 13-917)

**18-918. Appeals to wastewater appeal board.** (1) Upon receipt of a written petition from an aggrieved user, but not less than fifteen (15) days after notice of a matter to be appealed, the director shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition unless the director and the petitioner agree to a postponement.

(2) An appeal to the wastewater appeal board shall be a de novo review.

(3) Hearings or rehearings before the appeals board shall be conducted in accordance with the following:

(a) A quorum of the appeals board shall be necessary to conduct a hearing;

(b) A verbatim record of the proceedings shall be taken together with the findings of fact and conclusions of law. The transcript so recorded shall be made available to any party upon pre-payment of a charge adequate to cover the costs of preparation;

(c) In connection with the hearing, subpoenas shall be issued in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court for Hawkins County shall have jurisdiction upon application of the appeals board or the director, to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished as contempt under law;

(d) On the basis of the evidence produced at the hearing, the appeals board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of

such decisions and orders to the petitioner. The order so issued shall be issued no later than thirty (30) days following the close of the hearing;

(e) The decision of the appeals board shall become final and binding on all parties unless appealed as provided in § 18-919;

(f) Any person to whom an emergency order is directed pursuant to § 18-909 shall comply therewith immediately but on petition to the appeals board shall be afforded a hearing not later than three (3) working days from the receipt of such a petition by the director.

(4) The following provisions shall not be applicable to emergency suspensions pursuant to § 18-909.

(a) If a written petition of appeal is filed by a user, the effective date of the matter properly appealed shall be stayed until a decision is announced by the appeals board; provided however, that in no case shall such a stay exceed a period of ninety (90) days, except as provided in § 18-919, from the date of receipt of a written petition to the director to appeal as set out hereinabove.

(b) Should a continuance of a hearing before the appeals board be requested by a user, no additional time shall be added to the limitations of sub-section (e) above.

(c) Should the appeals board not be able, for good cause, to hold a hearing within the sixty (60) day limit, the stay shall be extended by the number of days such period is exceeded.

(d) Should a continuance be requested by the city, the time of the stay shall be extended by the same number of days as the continuance. (2003 Code, § 13-918)

**18-919. Additional stay.** The appeals board may grant an additional continuance and stay beyond that set out in the preceding section upon the request of a user, and upon the posting of an appeal bond payable to the City of Church Hill in a sum to be determined by the director as necessary to protect the interests of the city. (2003 Code, § 13-919)

**18-920. Judicial review.** Any aggrieved party may petition for review of any final order or judgment of the appeals board pursuant to Tennessee Code Annotated, §§ 27-9-101 et seq. (2003 Code, § 13-920)

**CHAPTER 10****AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS****SECTION**

18-1001. Upset.

18-1002. Bypass.

**18-1001. Upset.** (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards, or, local pretreatment standards for any user, because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of paragraph (3) below are met.

(3) To establish the affirmative defense of upset, a user shall demonstrate through properly signed contemporaneous operating logs or other relevant evidence that:

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

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

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

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

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

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

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

(v) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(vi) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. (2003 Code, § 13-1001)

**18-1002. Bypass.** (1) For the purposes of this section,

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

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

(2) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) (a) If a user knows in advance of the need for a bypass, he shall submit prior notice to the director at least ten (10) days before the date of the bypass, or as early as possible.

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

(4) (a) Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under paragraph (3) of this section.

(b) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (4)(a) of this section. (2003 Code, § 13-1002)

## CHAPTER 11

### FEES AND BILLING

#### SECTION

- 18-1101. Purpose.
- 18-1102. Authorization to establish charges and fees.
- 18-1103. Inspection fees and tap-on fees.
- 18-1104. Sewer use charges.
- 18-1105. Billing.
- 18-1106. User rates.
- 18-1107. Tap fees.
- 18-1108. Reconnection fees.
- 18-1109. Inspection fee.
- 18-1110. Application fee.
- 18-1111. Septic tank trucks annual permit fee.
- 18-1112. Extra strength surcharge.
- 18-1113. Sampling and flow monitoring charges.
- 18-1114. Hardship provisions.

**18-1101. Purpose.** The purpose of this chapter is to provide for equitable recovery of costs from users of the city's POTW, including costs of operation, maintenance, administration, bond service, inspection and monitoring, testing, capital improvements, depreciation and equitable cost recovery of EPA administered federal wastewater grants. (2003 Code, § 13-1101)

**18-1102. Authorization to establish charges and fees.** The board of mayor and aldermen may adopt by resolution reasonable charges and fees which shall include but not be limited to:

- (1) Inspection fees and tapping fees;
- (2) Sewer user charges;
- (3) Surcharge fees;
- (4) Wastewater discharge permit fees including the cost of processing such applications;
- (5) Monitoring, inspection and surveillance fees which shall include the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- (6) Fees for reviewing and responding to accidental discharges;
- (7) Fees for filing appeals, including but not limited to attorney's fees and enforcement fees; and
- (8) Application fees, and
- (9) Such other fees as may be deemed necessary from time to time to carry out the requirements of this title. These fees relate solely to the matters

covered by this title and are separate from all other fees, fines and penalties the city is authorized to levy. (2003 Code, § 13-1102)

**18-1103. Inspection fees and tap-on fees.** (1) A tap-on fee shall be collected from each person issued a sewer connection permit to help defray the cost of the sewer system for each user, who has not participated in an improvement district, prior to connection to the system according to the schedule adopted by the board of mayor and aldermen.

(2) A tap-on fee will not be permitted in lieu of participation in an improvement district. Where a tap-on fee is paid prior to creation of an improvement district serving the property it will be credited against the assessment of an improvement district later created serving the property.

(3) In the event that the board of mayor and aldermen may, in its discretion, exercise its powers to extend sewer services by means other than the improvement district concept, and in keeping with the provisions of the applicable ordinance pertaining to municipal public works projects, it is further provided that the board of mayor and aldermen shall establish by ordinance a schedule of tap-on fees including but not limited to the following categories of use:

- (a) Vacant lots or parcels;
- (b) Existing residence, row houses, with existing septic tank;
- (c) Additional existing units on same lot or parcel of land with existing residence and connected to the same sewer tap;
- (d) New residence, row houses;
- (e) New residence located in subdivisions, planned residential developments, and multi-family projects areas developed under the regulations governing the subdivision of land of the city regional planning commission in which adequate and proper sewer lines constructed by the developer in conformity with applicable statutes of the state and ordinances of the city pertaining to sanitation have been constructed as part of a private subdivision development, specifically providing for an inside municipal corporate boundary rate and an outside municipal corporate boundary rate;
- (f) Small commercial user (i.e., service stations, office building, warehouses, etc.);
- (g) Car wash for first bay and a fee for each additional bay thereafter;
- (h) Multi-family complexes existing structure for first unit and a fee for each additional unit thereafter; and
- (i) Factories and shopping centers; said fee to be based on a ten thousand (10,000) square foot of floor space basis with a fee for each additional ten thousand (10,000) square feet of floor space over and above the base amount. (2003 Code, § 13-1103)



**18-1104. Sewer use charges.** (1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes depending upon the users' contribution of wastewater loads; each class of user being identified as follows:

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

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty (250) milligrams/liter concentration by weight, or whose suspended solid discharge exceeds two hundred fifty (250) milligrams per liter concentration by weight.

(2) Determination of costs. The board of mayor and aldermen shall establish, by resolution, monthly rates and charges for use of the wastewater system and for all services supplied by the wastewater system. Said charges shall be based upon administrative costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; depreciation; return on investment; and debt service costs.

(a) All Class I users shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined in accordance with the following formula:

TSC

$$C_i = \frac{TSC}{V_t}$$

Where:

$C_i$  = The Class I total unit cost in dollars per thousand gallons.

TSC= The total cost of operation, maintenance, administration and debt service determined by yearly budget projections.

$V_t$  = The total volume of wastewater contribution, in thousands of gallons, from all users per year as determined from projections from one city fiscal year to the next.

(b) All Class II users shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as Class I users ( $C_i$ ) and in addition shall pay a surcharge based on volume ( $V_u$ ), a penalty assessment ( $V_c$ ), excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities. The following formula shall be used to compute the appropriate surcharge ( $C_u$ ):

$$C_u = B_c B_u + S_c S_u$$

Where:

$C_u$  = Total surcharge per month.

$V_c$  = Penalty assessment for exceeding BOD or TSS.

$V_u$  = Volume contribution (in 1000 gallons) per month.

- $B_c$  = Total cost for treatment of one pound of biochemical oxygen demand (BOD).
- $B_u$  = Total BOD contribution above the base level from a user per month.
- $S_c$  = Total cost for treatment of one pound of suspended solids.
- $S_u$  = Total suspended solids contribution above the base level from a user per month. (2003 Code, § 13-1104)

**18-1105. Billing.** (1) The billing of normal wastewater services shall consist of monthly billing in accordance with rates established by resolution of the board of mayor and aldermen.

(2) Any user connected to the sanitary sewer shall have water service from some water utility system authorized to provide potable water by the State of Tennessee, or, such user shall, at his sole expense, install a sewage flow of sewage through such meter.

(3) Any user receiving potable water from any source shall install a sewage flow meter as set out in subsection (2) hereinabove; or, the agency or entity supplying potable water shall enter into an agreement with the City of Church Hill that provides a means for verification of meter accuracy; provides for routine and regular monthly water meter readings to be supplied to the City of Church Hill for sewer billing purposes; and also provides for arrangements for the termination of water service should the end user fail or refuse to pay any valid bill for sanitary sewer service imposed by the city. (2003 Code, § 13-1105)

**18-1106. User rates.** (1) The base rate for each customer, user, or beneficiary of the sewer system inside the corporate limits of the City of Church Hill shall be thirteen dollars and twenty-six cents (\$18.26) for the first two thousand five hundred (2,500) gallons of water used. For each one thousand gallons (1,000), or multiples thereof, used in excess of the first two thousand five hundred (2,500) gallons, the user rate shall be three dollars and fifty-eight cents (\$3.58) per one thousand (1,000) gallons.

(2) Unmetered water users with only one person in the household shall be charged ten dollars (\$10.00) per month. Unmetered water users shall be charged thirteen dollars and twenty-six cents (\$13.26) per month.

(3) In the event that the board of mayor and aldermen determine by resolution that it is in the best interests of the city that specific property lying outside the corporate limits of the city be furnished sewer service by the city then the charge to the owner and/or occupant of that property for treating the sewerage from said property shall be sixteen dollars and seventeen cents (\$16.17) for the first two thousand five hundred (2,500) gallons of water used and four dollars and forty seven cents (\$4.47) for each one thousand (1,000) gallons used thereafter.

(4) Any and all monthly user bills not paid in full by the due date noted thereon shall have added to the outstanding balance one and one half

percent (1½%) interest which shall continue to accumulate until paid in full. (2003 Code, § 13-1106)

**18-1107. Tap fees.** (1) The tap-on fee for each connection shall be one thousand nine hundred and fifty dollars (\$1,950.00). The sewer system tap-on fee for each connection to a vacant lot or parcel shall be due and payable at the time any building permit is issued for construction on said vacant lot or parcel. For multi-unit dwellings, such as apartments and condominiums, which utilize a single tap or meter, there shall be an additional tap-on charge of two hundred fifty dollars (\$250.00) for each individual dwelling unit up to and including six (6) units. For all individual dwelling units in excess of six (6) on any single tap or meter there shall be an additional tap-on of one hundred fifty dollars (\$150.00) for each unit. This tap-on fee schedule for additional units shall also apply to any mobile home park or commercial shopping center within the municipal limits which is serviced by one tap or meter. Each mobile home or individual commercial shop or office shall be considered a separate unit for purposes of determining the appropriate tap-on fee and monthly user fee.

(2) Developers who intend to construct residences or dwellings on newly subdivided property or who seek the approval of subdivision plans by the Church Hill Regional Planning Commission within the urban area designated by the planning commission shall install all necessary sewer service lines and laterals within the entire subdivision. Said developers shall pay a tap-on fee of two hundred fifty dollars (\$250.00) per tap for each single family residence in the subdivision. Multiple family dwellings shall be charged according to the rates set out in paragraph two (2) of this chapter. A minimum of three (3) newly subdivided lots shall constitute a subdivision for the purposes of the application the tap-on rate schedule described in this paragraph.

(3) Financing shall be available to owners of residential property located within the corporate limits of the city. A property owner(s) desiring to finance the tap-on fee must make application therefore upon a personal financial form provided by the city and the application must be approved by the board of mayor and aldermen. A minimum of five hundred dollars (\$500.00) down payment shall be made prior to the execution by the property owner(s) of a promissory note which is to be executed in the amount of the balance due and payable to the City of Church Hill, Tennessee. The note shall be a standard pre-printed and numbered form prescribed by the city recorder and approved by the city attorney. The balance to be financed as evidenced by the promissory note may be financed over a period not to exceed a two (2) year period and shall be payable in equal monthly installments which shall bear interest at the most favorable rate charged by The Citizens Bank of East Tennessee to its customers on twenty-four (24) month installment loans. A late fee or penalty of an additional one and one-half percent (1½%) of the delinquent amount, compounded monthly, shall be charged for each month that any of the required installment payments are delinquent, beginning on the 30th day after the

monthly payment is first due. A default by the customer or owner on the timely payment of any monthly installment may result in the total amount of the note with interest and penalty being accelerated and becoming due and payable immediately. The note shall also include the requirement that the delinquent customer pay reasonable attorneys fees incurred in the collection of the note or in the termination and/or reconnection of sewer service to such property. The Mayor of the City of Church Hill is hereby expressly given authority to discount such promissory as noted above selling same to any financial institution federally insured but not to any individual.

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

(5) Financing shall not be available to owners of new residences located in subdivisions in which sewer mains and laterals have been installed by developer(s). Financing shall not be available in cases where the development is for speculative purposes. In determining if construction is for speculative purposes, any sewer tap-on permit issued in the name of a licensed contractor, plumber, developer, or broker shall be considered for speculative purposes and payment of the tap-on fee in full shall be required. In cases where a contractor constructs a residence for personal occupancy and desires to finance the tap-on fee, he shall (1) provide the city recorder with certification that the residence has been constructed for personal occupancy of the owner/contractor, and (2) present and execute a standard City of Church Hill promissory note for sewer tap-on fees for the remaining balance payable to the City of Church Hill at the time the down payment is made. The "Certification of Construction for Personal Occupancy" shall be a form prescribed by the city recorder and approved by the city attorney.

(6) Owners of property located outside the corporate limits of the city who are given special permission by the board of mayor and aldermen to connect to the municipal sanitary sewer system shall be required to pay the tap-on fee in full at the time of connection.

(7) (a) The board of mayor and aldermen shall perform a cost/benefit analysis for any proposed construction of a sewer line extension from the municipal sewer system as it is constituted at the time of the passage of this title. In the total discretion of the board of mayor and aldermen, a determination will be made of the required payment expected from the customer(s) and/or owner(s) of property who will receive sewer service by virtue of said construction. The board may take into consideration such factors as anticipated revenue from additional customers, hardship situations, and available manpower, as well as other relevant factors. In the event that the costs of said sewer extension

project exceed the base tap fee charged to the property owner or customer under this chapter or any amendments thereto, each property owner or customer shall be responsible for his or her pro rata share of the additional sewer extension projects required cost reimbursement. The costs for the particular sewer extension project shall be determined and itemized by the city after the completion of the sewer extension project. All costs of the sewer extension, including the expenses and legal fees associated with the acquiring of any necessary easements and the preparation of any required contract documents, the total cost of any required additional pump stations, engineering costs, material and equipment costs, labor costs, construction and/or contract costs, capital outlay note or bond costs and expenses, all required federal, state, and local inspection fees, and any other expense necessarily incurred by the city in order to complete the sewer extension project shall be included in the final computation. The property owners or customers who will receive municipal sewer service as a result of the sewer extension project shall each be liable for his or her pro rata share of the required cost reimbursement over and above the base sewer system tap fee as specified hereafter. In no event shall the tap fee charged to each property owner or customer for a sewer extension to his/her property be less than the base tap fee in effect at the time of the completion of the sewer extension project. It is anticipated that the required cost reimbursement shall be expressed in terms of percent of total project costs. Any representations made by city officials or agents regarding estimated extension project construction costs shall not be binding if the actual costs as itemized at the conclusion of the project exceed the original cost estimates.

(b) Each property owner, occupant or utility water customer, whose property or premises abuts the sewer line extension, its easement, or the road right-of-way adjacent to the sewer extension (or easement) or through which the sewer extension runs, must connect his/her property or premises to the municipal sewer system within sixty (60) days of the announcement that the sewer extension project has been completed. The months of December, January, and February will not be included in the calculation of the sixty (60) day connection period set out below. No pre-completion representation made by the city or its agents regarding any estimated sewer extension project costs shall be binding upon the city nor shall such representations create any express or implied contracts nor be grounds for estoppel should the actual costs of the sewer extension project, as finally computed and itemized, exceed the initial project cost estimates.

(c) The board of mayor and aldermen shall initiate a sewer extension construction project by the passage of a resolution which specifies the property to be served and sets out a projected estimate of the cost of the project. Each property owner or customer to be served by the

extension under the terms of this chapter shall pay the base tap-fee as set by the chapter, or any amendments thereto, within sixty (60) days of the passage of the board's resolution if the estimated sewer extension project costs exceed the base tap fee. The board of mayor and aldermen shall, prior to the expiration of the sixty (60) day period, publish a payment schedule for the prospective property owners and customers to be served by the sewer extension based upon the cost estimates of the project as determined as of the date of the publication of the schedule. The property owners and customers who will be served by the sewer extension shall be allowed to make voluntary periodic payments, pursuant to the schedule, on their pro rata share of the estimated sewer extension project costs which exceed the base tap fee, during the planning and construction phase of the sewer extension project. The pro rata share of each property owner or customer shall be due and payable not less than ten (10) business days before the property is connected to the municipal sewer system. In the event that the completed and itemized sewer extension project costs are less than the city's initial cost estimates and any property owner or customer has paid more than his/her finally computed pro rata share, the respective over payments shall be returned to the appropriate property owner with interest thereon computed by the same method specified for hardship financing under the terms of this chapter. (2003 Code, § 13-1107, as amended by Ord. #14-466, March 2015)

**18-1108. Reconnection fees.** (1) Unless done pursuant to contract with the First Utility District "as the Church Hill Utility District," the city may terminate sewer service to any property owner or occupant who becomes more than thirty (30) days delinquent in the payment of monthly user fees and/or monthly sewer financing obligations owed to the city. Prior to terminating sewer service for any payment delinquency, the city shall give the delinquent customer, occupant, and property owner written notice that sewer service to the property will be terminated. Notice of termination of service shall be given by certified mail or by personal delivery upon the delinquent customer or property owner and shall inform the delinquent customer that his sewer service will be terminated seven (7) days after delivery of the notice.

(2) The re-connection fee for any customer or property owner whose sewer service has been terminated for non-payment of sewer fees, charges, or tap-on fees under the terms of this chapter shall be the actual costs incurred by the city to perform the reconnection. A delinquent customer whose sewer service has been disconnected and/or reconnected shall also be liable to the city for attorney's fees incurred by the city in enforcing the provisions of this chapter.

(3) The owner of the property connected to the municipal sewer system shall be considered the primary customer and shall be ultimately responsible for the payment of the tap-on fee, additional charges, and monthly user fees regardless of whether the owner is also the occupant or tenant of the property.

In the event that the owner of property is not the same individual who is the delinquent customer, the city shall give the owner and the customer separate notice of the termination of service for the account delinquency.

(4) Sewer tap fees, including any financing arrangements, additional extension costs, and the anticipated reconnection charges, shall be due and payable ten (10) business days prior to the connection of the property to the municipal sewer. (2003 Code, § 13-1108)

**18-1109. Inspection fee.** The inspection fee for the completion of the sewer connection shall be twenty dollars (\$20.00) per connection. (2003 Code, § 13-1109)

**18-1110. Application fee.** The non-refundable fee to be submitted with an application for domestic sewer service shall be ten dollars (\$10.00). The non-refundable fee to be submitted with an application for industrial sewer service shall be two hundred fifty dollars (\$250.00). (2003 Code, § 13-1110)

**18-1111. Septic tank trucks annual permit fee.** (1) The service charge for annual permit for holding tank waste disposal operations shall be established by resolution of the board of mayor and alderman as the necessity or advisability of same may from time to time require.

(2) Persons wishing to empty septic tank trucks directly into the wastewater treatment system must have a permit to do so and shall be charged a minimum fee established by resolution of the board of mayor and alderman as the necessity or advisability of same may from time to time require. (2003 Code, § 13-1111)

**18-1112. Extra strength surcharge.** Users who discharge or cause to be discharged extra strength wastewater who possess an appropriate permit will be subject to a surcharge to compensate for above-normal operating and maintenance expenses incurred in treating and disposing of their discharge, not to exceed one hundred percent (100%) of the monthly sewer service charge which would normally be assessed. (2003 Code, § 13-1112)

**18-1113. Sampling and flow monitoring charges.** Customers who are required by the board to have sampling and flow monitoring devices installed either temporarily or permanently or who choose to have flow monitoring devices installed in order to measure actual amounts of wastewater discharge should be charged the reasonable cost necessary to compensate for operating and maintaining equipment and for performing analytical test on their discharge. (2003 Code, § 13-1113)

**18-1114. Hardship provisions.** There is hereby established a hardship committee whose purpose it is to review applications submitted by system

customers for the payment of fees and charges by installment payments, to reduce the amount of fees and charges, or to waive the amount of fees and charges altogether.

(1) The sanitation committee shall serve as the hardship committee.

(2) The hardship committee shall review applications for hardship determination in regard to the sewer tap-on fee, monthly sewer service charge, and reconnection charges.

(3) The application to be used in applying for a "hardship determination" shall be developed by the city recorder and approved by the hardship committee.

(4) The hardship committee is to make recommendations to the board on all applications. The board will have the final approval on same.

(5) The degree or amount of charge to be reduced or waived by the hardship committee shall be deducted from an interest bearing account created for the purpose of the hardship committee. Once the above-referenced interest is exhausted no additional hardship reductions or waivers may be granted in that fiscal year.

(6) The interest bearing account referred to in subsection (5) shall be funded by the inspection fees described in § 18-1109. Once the interest bearing account reaches a balance of ten thousand dollars (\$10,000.00), inspection fees shall be deposited in the normal sewer revenue account and accrued interest shall fund the hardship account. The above-noted funding provisions shall not be the exclusive methods for funding the hardship account. The hardship account may be funded in any manner acceptable under law by the board of mayor and aldermen as noted in the city's annual budget ordinance. (2003 Code, § 13-1114)



## CHAPTER 12

### SYSTEM EXPANSION

#### SECTION

18-1201. Sewer main extension policy.

18-1202. Construction contracts.

**18-1201. Sewer main extension policy.** This policy covers main sizes, subdivisions installation, extensions to subdivisions, extensions to serve unplatted property, extensions outside the city limits, and replacement of mains.

(1) Main size. The size of any main installed in any area served by the system shall be determined by the board of mayor and aldermen. No main less than eight (8) inches in diameter shall be placed in the sewer collection system. All sewer mains connected to and or served by the system shall become the property of the city upon inspection and acceptance.

The city may participate in the cost of installing larger size mains except in those instances where a property under single ownership shall require a main greater than eight (8) inches.

(2) Extensions in subdivisions. No sewer shall be constructed in a subdivision until the subdivider and the city have executed a contract covering the extensions. This contract shall state:

(a) The estimated cost of sewer extensions.

(b) That the city shall acquire ownership on completion of the work.

(c) That workmanship and materials must be guaranteed for a period of one year after acceptance.

(d) That the subdivider agrees to pay the costs of inspecting the work.

(e) That the city has examined and approved the plans and specifications.

(f) That the city has accepted a security bond equal to the cost of the sewer extension.

(g) Penalty provisions for noncompliance.

The subdivider shall pay the cost of construction of all sewer mains to, in, and through his subdivision except as otherwise provided herein. Sewer mains shall always be extended to the farthest point or points upgrade in a subdivision so that the system, if need be, can continue uninterrupted.

(3) Construction contract or commission forces. The subdivider may install the main in his subdivision by private contract if the city so agrees. The subdivision must receive approval of all plans and specifications, execute the sewer extension agreement, and allow for city inspection of actual construction.

Upon agreement, the city may allow the subdivider to deposit with it the estimated cost of sewer construction, plus engineering and administrative cost.

The city will then proceed to construct the sewer either under contract or by its own forces. It at any time the actual cost exceeds the amount deposited, the subdivider shall immediately, upon notification, deposit sufficient additional funds to complete the work.

(4) Extension of sewer mains to serve those areas not included in subdivisions platted after adoption of the policy. Extensions of sewer mains to serve property already in the city, but not part of a subdivision platted after adoption of this policy, shall be financed by special assessments against all property benefited by such extension in accordance with § 18-1107.

(5) Sewer extensions outside the city limits. No mains shall be extended outside the city limits, except upon the expressed consent of the board of mayor and aldermen.

The person(s), firm, or corporation requesting such installation shall assume the entire cost of the installation and may install the mains by private contract upon approval of the plans and specifications by the city, execution of the sewer main extension contract, and city inspection of actual construction.

With the consent of the city, the person(s), firm, or corporation requesting the installation shall deposit with the city the estimated cost of installing the main and the city may then proceed to make the actual installation with its own forces or by private contract. In the event that the original deposit was insufficient, the person(s), firm or corporation requesting such installation shall, upon notification, immediately deposit with the city the balance due. The city at its discretion may participate in the extension of the sewer line to the project site; however, in no case shall the cost of participation exceed fifty percent (50%). (2003 Code, § 13-1201, as amended by Ord. #14-466, March 2015)

**18-1202. Construction contracts.** (1) The requirements of conducting pre-blast surveys and monitoring all blasts shall be included in all contracts for construction concerning the wastewater treatment system.

(2) Lawn and driveway restoration. (a) All contracts for construction concerning the wastewater treatment system shall include the requirements that photography of existing lawns, driveways, and etc. be taken prior to commencement of any ditching or excavation which would materially alter said lawns, driveways, etc.

(b) Restoration is to be done so as to nearly as practical restore the lawn and/or driveway to its original condition as soon as feasible - weather permitting.

(3) Bonding. Sufficient performance bonds and adequate retainage is to be required of all contractors.

(4) Paving. All contracts for the placement of sewer lines within any paved street or right-of-way shall include the provision that such paved street or right-of-way shall be restored -- as nearly as practical -- to its pre-construction condition and preferably repaved after the completion of installation of such lines.

(5) Equal opportunity. Any contract for construction work on the wastewater treatment system shall include an "equal opportunity clause" which is in substantial compliance with Executive Order 11246 of September 24, 1965, and in compliance with all rules, regulations and relevant orders of the Secretary of Labor.

(6) Compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) It shall be the policy of the board that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied benefits of or otherwise be subjected to discrimination in connection with the construction or providing services, programs, or activities in regard to the wastewater treatment system.

(7) No handicap discrimination. Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual shall, solely by reason of their handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any operations, programs, services, or activities rendered by the wastewater treatment system. (2003 Code, § 13-1202)