

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER.
2. WASTEWATER.
3. SEWER USE ORDINANCE.
4. WATER AND SEWER RATES AND FEES.

CHAPTER 1

WATER

SECTION

- 18-101. Definitions.
- 18-102. Application for water service.
- 18-103. Service connection and meter setting charges.
- 18-104. Customers not to supply water to others.
- 18-105. Service connect fees.
- 18-106. Rates and fees.
- 18-107. Meters.
- 18-108. Meter reading and billing.
- 18-109. Relocation of meters.
- 18-110. Meter testing.
- 18-111. Meter turn on/off.
- 18-112. Damage to water meters.
- 18-113. Responsibility for property of customer.
- 18-114. Shut-off valve.
- 18-115. Discontinuance of service.
- 18-116. Private fire lines.
- 18-117. Swimming pools.
- 18-118. No guarantee of pressure and/or water supply.
- 18-119. Fire hydrants inside corporate limit.
- 18-120. Fire hydrants outside corporate limit.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

See Ord. #2002-01 (Feb. 2002) of record in the office of the recorder for an ordinance adopting by reference the regulations of the City of La Vergne Public Works Specifications Manual dated November 2001.

- 18-121. Fire hydrants-private ownership prohibited.
- 18-122. Cross-connections.
- 18-123. Supply of steam boilers.
- 18-124. Special service.
- 18-125. Extension of water mains.
- 18-126. Responsibility for damages to customer's water line.
- 18-127. Water and sewer main extensions.
- 18-128. Extensions within existing developed areas of the city.
- 18-129. Extensions within new subdivisions in the city.
- 18-130. Extensions outside city limit.
- 18-131. Exceptions.
- 18-132. Regulations for the installation of water service to apartments, multipurpose dwellings, and mobile home parks.

18-101. Definitions. (1) "City." The City of La Vergne, Tennessee.

(2) "Person or tenant." Firms and corporations, as well as individuals.

(3) "Customer." Any person who receives water and/or wastewater services from the city either under an express or implied contract requiring such person to pay the city for such service.

(4) "Developer." Any person, firm or corporation, both public and private, engaged in the development of land, such as subdivisions and other land improvements.

(5) "Discount date." The date payment for utility bills shall be paid before adding the penalty.

(6) "Dwelling." Any single structure occupied by one (1) or more persons for residential purposes.

(7) "Premises." Any structure or group of structures, including land, operated as a single business or enterprise.

(8) "Unit." An individual part of a multiple unit development.

(9) "Multiple unit development." Any multi-unit complex, such as apartments, small business, etc.

(10) "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross-connections;

(11) "Cross-connection control program." A program developed by the City of La Vergne, Department of Public Works, approved by the Tennessee Department of Environment and Conservation that provides for a program of

inspection and enforcement for the elimination of cross and back flow connection within the City of La Vergne water distribution system.

(12) "Accepted street." A street or avenue located within the City of La Vergne which has been accepted by the city for maintenance, or a road or highway located outside the City of La Vergne which has been accepted by Rutherford County.

(13) "Easement." A legally dedicated right-of-way for the city to install water and/or sewer lines within specified boundaries.

(14) "Existing developed area." A developed area within the corporate limit having streets, water and/or sewer lines and appurtenances which have been accepted for operation and maintenance by the city.

(15) "New subdivision." A development of a tract or parcel of land having two or more lots and having dedicated streets which have not been accepted by the appropriate governing agency.

Note: Whenever the context shall admit or require, words used herein in the singular shall include the plural; words used in the plural shall include the singular; words used in the masculine shall include the feminine; and words used in the feminine shall include the masculine. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-102. Application for water service. All applicants for water service shall complete an application for service at the water/sewer billing office located at the city municipal building. The application shall state fully the use to which the water is to be applied and that the customer will abide by the rules, rates and charges of the city then in force, or which thereafter is adopted. The application shall be signed by the owner or tenant of the premises and shall state the location of the premises to be served, including street, street number, and lot number. In the event the owner of the premises desires to be billed rather than the tenant for metered water used, the owner shall make application in accordance with the provisions of these rules, rates and charges.

The director of public works shall complete all requests for availability of water and/or sewer. Developers and commercial and industrial users must submit a request in writing outlining the proposed use of a building or facility and projected water demand to the city for review. A fee as set forth in the fee schedule adopted with the annual budget shall be paid to the city for the letter of availability for water and/or sewer service. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007, and Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-103. Service connection and meter setting charges. An installation fee including the actual cost of service assembly; i.e., making the tap and furnishing and installing service line, meter, meter box, yoke, and other fittings, highway crossings, pavement repair, or other restorative work, plus an inspection fee as outlined herein shall be charged for each service connection.

The city may at its option contract for this installation and the customer will be billed for all costs.

The customer may separately contract with a plumber, licensed in Rutherford County or utility contractor licensed by state licensing board for the installation which shall include all materials necessary for the installation. Such installation shall be completed to city specifications and standards and all work must be inspected and approved by the city prior to backfilling. It will be necessary for the contractor to obtain a separate street cut permit prior to cutting any street or right-of-way from the city codes enforcer.

The water meter setting shall be placed at a suitable location selected by the city. However, the city will strive to place the meter setting where the customer desires. When making application, the tenant and/or property owner shall pay the charges required in the water and sewer rates and charges schedule included in this document as title 18, chapter 4, as may be amended from time to time. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-104. Customers not to supply water to others. No water customer shall supply water to other residences, business, or others. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-105. Service connect fees. Residential, commercial and industrial customers shall pay a service connect fee. No deposit is required to guarantee payment of monthly bills. (See water and sewer rates and fees in title 18, chapter 4 of this document.) (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-106. Rates and fees. (1) Rates. The water department will have minimum charge for water and sewer service per billing month, or any part thereof, per customer's meter or individual units present, regardless of the amount of water metered. Sewer usage will be based on one hundred percent (100%) of water meter readings. The approved rates for water and sewer service for all customers shall be posted in the office of the water department. No service shall be furnished or rendered free of charge to any person, firm, or corporation.

(2) Fees. In addition to the monthly service charge based on quantity of water and/or sewer service used, the following fees will be charged by the city for water and/or sewer service:

(a) Tapping fee. (privilege fee that is deposited to the utility system reserve fund). The minimum tapping privilege fee and the minimum monthly bill for a single family structure of each unit of a duplex, triplex, or any other multi-unit residential structure; a single unit non-residential structure such as a shopping center or other single-unit commercial structure shall be determined in accordance with rate

schedules as the city may from time to time adopt by appropriate ordinance. The tapping privilege fee and minimum monthly bill for a multi-unit structure shall be calculated as if each unit were individually metered.

(b) Fee for private fire hydrants and sprinklers;

(c) Utility construction inspection fee. All utility construction must be inspected by an authorized representative of the city. The cost of inspection services will be paid by the developer within fifteen (15) days of being billed by the city. Customers are required to contract with a licensed plumber/contractor to install a tap to the city's water and/or sewer systems.

(d) Extraneous flow fee. Upon determination that a sewer customer is permitting extraneous flow (storm water runoff, storm drainage, groundwater, etc.) to enter the city's sewerage system, the city will make a measurement of such flow during wet weather and thereafter the charge for sewer services will be based upon the flow measured at that time on a demand treatment capacity basis or upon any subsequent measurement indicating a greater demand. A monthly sewer charge determined upon this basis will be in addition to the monthly sewer charge set forth above and can be reduced upon and to the extent of satisfactory demonstration to the city that the source of the extraneous flow into the customer's sewer service lines have been eliminated.

(e) Plans review fee. Review of water and/or sewer plans. Upon submission of the plans for review, the developer must pay a fee as determined in the fees and rate schedule adopted by the city. This fee will be deducted from the developer's tapping fees when a contract is signed by the developer and the city.

(3) The city must approve the size and location of each meter to be installed and the size and location of each private service line.

(4) All connections and extensions to the city's water and sewer systems must comply with the specifications of the city. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-107. Meters. Each customer will be supplied water through a separate meter. Where a building under one (1) ownership has a number of apartments (or offices) under one roof and the owner desires that the city deal directly with the tenants, the owner will make application for each unit to be served individually. Upon receiving application to serve multiple units, each tenant shall be subject to all applicable provisions of these rules, regulations, rates and charges.

For customers operating multiple units metered by a single meter, there shall be, in addition to the bill computed in accordance to the rate schedule, a charge per unit. (See water and sewer rates and fees in title 18, chapter 4 of this

document.) This additional charge does not apply to recreational overnight rental facilities.

All meters shall be furnished by the city and paid for by the customer. The city shall set the meter and the meter shall be dedicated to the city and the city shall maintain the meter. Meters and meter settings must be accessible at all time and not covered with rubbish or material of any kind. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-108. Meter reading and billing. Meters shall be read monthly. All water furnished by the city shall be measured in U.S. gallons and will be furnished at the rates indicated in the schedule of water and sewer rates and charges, as may be amended from time to time, as shown in title 18, chapter 4.

City meter readers or any other authorized personnel of the city shall have access at all reasonable hours to premises supplied water for the purpose of reading, inspecting, repairing, or removing meters and/or meter settings.

If a meter is found not to be in good working order, the bill will be determined by computing the average of the four (4) previous monthly bills. However, due consideration will be given to any abnormal monthly usages which may have occurred during such four (4) months period. If the customers meter stops prior to four (4) months usage, the bill will be estimated by the city.

All bills due the city shall be paid within ten (10) days from the date of the bill at the water/sewer office in the La Vergne Municipal Building. A penalty will be added if the bill is not paid before the final date of payment. The penalty will be assessed at ten percent (10%) of the unpaid balance of the bill, including other charges and sales tax.

If the last day to pay the net bill falls on a Saturday, Sunday, or a recognized holiday granted by the city, the last day to pay the net bill will be extended to the next business day. Remittances received by mail will be considered paid by the last day to avoid the late penalty charge, provided the envelope containing the payment bears a postmark of the U.S. Postal Service dated on or before the last day shown on the bill to avoid late charge penalty.

The city will impose a service charge to the customer for each check returned for having insufficient funds. (See water and sewer rates and fees in title 18, chapter 5 of this document). (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-109. Relocation of meters. Water meters shall not be relocated without the approval of the director of public works. All meter locations the city considers to be unsatisfactory may be moved to a more suitable location at the expense of the city. The city may discontinue furnishing water to any customer who refuses permission to the city for removal of a meter in accordance with this regulation.

Should a customer consider their meter location unsatisfactory, a request for relocation may be made to the director of public works. If feasible, the city

will relocate the meter as requested. The customer will be billed for the actual cost of the relocation. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-110. Meter testing. Should a customer question the accuracy of his meter registration, he may request that his meter be tested. The customer may make this request either in writing or orally to the director of public works or the water/sewer billing supervisor. The customer has the option to be present while the meter is being tested. The charge for testing a meter is indicated in the water and sewer rates and fees as shown in title 18, chapter 4 of this document.

If the meter tested is found to be defective an allowance shall be made by the city, and the service charge will be returned by the city. Meters may be removed for testing and another meter substituted at the option of the water division. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-111. Meter turn on/off. Water shall not be turned on or shut off at the meter by anyone except an authorized employee of the city. If the customer requests that the water be turned on or shut off at a time other than during regular scheduled working hours of the city, a service fee will be charged in accordance with the water and sewer rates and fees as shown in title 18, chapter 4 of this document.

Whenever water service has been disconnected for nonpayment of any bill rendered, or because of violation of any other of these rules, rates, and charges or any other city policy, a charge shall be made to cover the cost of this service. (See water and sewer rates and fees in title 18, chapter 4 of this document).

Whenever any delinquent customer, whose supply of water has been turned off, pays the sum due into the department, the department, without delay, shall have the supply turned on; provided, that the customer shall have complied with all rules and regulations of the department as described herein.

Any unpaid bills must be settled and the service connect fee renewed before service is restored. Notice by customers to discontinue water service must be given in writing or in person at the water billing office. The customer shall be responsible for all water consumed until such notice has been given and a reasonable time allowed to read the meter.

When the water supplied to any person, whether metered or unmetered, has been cut off for nonpayment of the water bill or of the combined water and sewerage bill, and is afterwards found turned on, without the knowledge or consent of the department, the supply pipe to such premises shall be locked at the meter, and the water shall not again be turned on until the entire amount due for water or sewerage, or both, by the party liable, has been paid, together with the costs of locking and unlocking the meter, which charge for costs shall be specified in title 18, chapter 4.

If the lock has been removed from the meter, the city shall remove the meter and charge the customer a fee for the removal of the meter. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007, as amended by Ord. #2008-18, Dec. 2008)

18-112. Damage to water meters. If a city-owned water meter, meter setting or meter box is damaged due to an act of negligence, abuse or carelessness by the customer or his agent, employee, or any member of his family, such customer shall be responsible for the repairs and/or replacement of same. The customer will be billed for the actual cost of repair or replacement, and such bills shall be paid within thirty (30) days from the date of mailing thereof. Otherwise, the amount of the unpaid bill will be added to the customer's utility bill. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007, and Ord. #2011-07, April 2011)

18-113. Responsibility for property of customer. The city shall not assume responsibility for damages incurred by water delivered through the meter, such as broken water lines within the customer's plumbing, spigots, valves, etc., left open at the time meter was installed.

In high pressure areas in the city distribution system, it shall be the customers responsibility to install a pressure regulating valve on his service line and pressure and temperature pop-off valves on his water heater. Any damages sustained for water heater blow-off shall be the customer's liability. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-114. Shut-off valve. A water shut-off valve must be installed within the plumbing system of each dwelling for use in case of an emergency according to the city's specifications. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-115. Discontinuance of service. The city's personnel may shut off the water meter serving the customer for the following reasons:

- (1) Nonpayment of bills
- (2) Unsafe apparatus
- (3) Fraud and abuse
- (4) Noncompliance with these rules, regulations, rates, and charges or any other policy of the city.

The city will notify customers with either a public notice advertisement, department letter, by telephone, or hand delivered note to be left at the residence for planned water outages that are non emergency outages. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-116. Private fire lines. Private fire lines or sprinkler lines will be installed by and at the expense of the customer, such construction to be made

in accordance with the city specifications, standards, and codes. Such lines shall be owned and maintained by the customer and shall be used solely for the supply of water for fire protection.

Authorized city personnel shall have access to the customer's premises at all reasonable hours for the purpose of inspecting fire lines and/or sprinkler lines.

The fire line and/or sprinkler line charges shall be as reflected in the water and sewer rates and fees as shown in title 18, chapter 4 of this document. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-117. Swimming pools. Customers shall pay the appropriate water rates for filling swimming pools. One (1) adjustment per year shall be made on the sewer bill for water used to fill a swimming pool that is not drained into the public sewer. Fire hydrants are not permitted to be used in filling swimming pools. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-118. No guarantee of pressure and/or water supply. The city does not guarantee any fixed pressure or a continuous supply of water. In the event of breaks in mains, service lines, pumping machinery, reservoirs, or other equipment of the city, the water may be shut off without notice, and the city shall not be liable for damages which may arise therefrom. When a planned water shut-off occurs, city personnel shall attempt to notify the affected customers. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-119. Fire hydrants inside corporate limit. No person or customer shall open a fire hydrant inside the corporate limits except to provide fire suppression services or as approved by the director of public works. Fire hydrants will be installed within the system at such locations as approved by the director of public works and as budgeted by the city. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-120. Fire hydrants outside corporate limit. No person or customer shall open a fire hydrant outside the corporate limits of the city except to provide fire suppression services or as approved by the director of public works. The director of public works shall be notified of all such openings and shall be provided with an estimate of water used. The size and type fire hydrant shall be determined by the city. The city will bill the fire company for the estimated amount of water used. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-121. Fire hydrants - private ownership. Private ownership of fire hydrants connected to the city water service shall be metered. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-122. Cross-connections. It shall be unlawful for any person to cause a cross-connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of the same have been approved by the City of La Vergne, Director of Public Works, and the Tennessee Department of Environment and Conservation, and the operations of such cross-connection, auxiliary intake, by-pass or interconnection is at all times under direct supervision of the director of public works or his representative.

Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director of public works, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake by-pass or interconnection will be permitted upon the premises, in compliance with the then current Tennessee Department of Environment and Conservation approved City of La Vergne Cross-Connection Control Programs.

It shall be the duty of the director of public works, or his representative, to develop a cross-connection control program, receive appropriate tennessee department of environment and conservation approval, and thereafter manage, enforce and update or modify as required by the governing state agency, the approved cross-connection control program within the City of La Vergne.

It shall be the duty of the director of public works to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible.

The director of public works or his representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information or test or operational data pertaining to any existing or future cross-connection prevention devices. Refusal of requested operational data or access to any device or potential cross-connection, when requested, shall be deemed evidence of the presence of cross-connections and subject to immediate termination of water service. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-123. Supply of steam boilers. In no event shall a steam boiler be supplied directly from a water main of the city. There shall be a tank or other receptacle located between the boiler and the water main and such supply shall be taken directly from the water tank or receptacle. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-124. Special service. The city may issue permits for the use of water for building or construction purposes, or other temporary purposes, provided the applicant pays for tapping and installation and conforms to all other requirements of the city. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-125. Extension of water mains. Water mains may be extended with permission from the city. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-126. Responsibility for damages incurred to customer's water line. The City of La Vergne shall not assume liability for damages incurred by a water customer when said damages have resulted from the following actions:

(1) Damages caused by defective operation condition of customer's plumbing system.

(2) Damages caused by a defective condition in the water system, unless the city receives actual or constructive notice of a defective condition.

The customer shall be responsible for leaks on his side of the meter. Whenever the city determines that there is an out of consumption usage, the city shall immediately notify the customer, read the meter at the time the notice is given, and it shall be the customer's responsibility to repair the leak. The director of public works may make one (1) adjustment per year; such adjustment not to exceed the period after the notice of out of consumption is given. No adjustment will be made for the period after the notice is given and the meter is read. The director of public works must approve all adjustments for leaks. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-127. Water and sewer main extensions. In addition to the following regulations, each proposed water and/or sanitary sewer extension shall be evaluated for acceptance or rejection, especially sewer main extensions involving a sewage lift station(s). The merits of which an extension is evaluated shall include but not be limited to the following:

(1) Cost of operations and maintenance of equipment.

(2) Projected revenues from utility sales generated as a direct result of the extension.

(3) Concerns with respect to the environment and/or ecology.

(4) Overall budget considerations.

In general, and insofar as possible, each extension should be economically viable and self-sustaining on its own with minimal impact on the utility rate payers as a whole. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-128. Extensions within existing developed areas of the city.

(1) Sewer mains. The city will extend mains within the existing developed areas (existing plated lots of record) along accepted streets and easements within the corporate limit of the City of La Vergne where economically feasible or where there exists a threat to the public health caused by gross pollution resulting from inadequately operating or overflowing underground sewage disposal fields, and where the city can feasibly provide sufficient funds for such extensions.

When determined necessary, sewer main extensions shall be made for a distance no greater than one hundred feet (100'), at the city's expense, provided, however, that the city will not extend any mains where ground elevations are such that said mains cannot be installed feasibly to drain into the existing sewerage system. All extensions beyond one hundred feet (100') shall be made at the expense of the applicant.

The size of the main to be installed shall be exclusively within the discretion of the city. The city may connect a main to or extend a main from any main previously installed in accordance to the above terms without obligation to the applicant who may have borne the expense on such previously installed main.

New subdivisions will not be covered under the guidelines of the one hundred foot (100') extension rule.

In no event will the city make any extension at its expense should the operating budget of the sewer departments not have sufficient funds for such extension.

(2) Water mains. The city will extend water mains along accepted streets or easements in existing developed areas within the corporate limit of the city for applicants having property on such streets, rights-of-way, or easements provided that sufficient funds are available. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-129. Extensions within new subdivisions in the city. (1) Sewer mains. All sewer main extensions within new subdivisions being developed within the corporate limit of the City of La Vergne shall be installed by and at the expense of the developer.

If sewer service is not available to the nearest new proposed subdivision the sewer shall be extended at the expense of the developer.

The city may connect a main to, or extend a main from any main previously installed in accordance with the above terms without obligation to the developer of the newly developed subdivision.

(2) Water mains. All water mains required to be extended along accepted streets and/or rights-of-way adjacent to the property line of the land parcels on which there are new subdivisions, and within the new subdivisions being developed, shall be installed by and at the expense of the developer. The

developer is required to install all fire hydrants within new subdivisions in accordance with city regulations.

The developer shall pay all water and sewer tap fees prior to any construction. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-130. Extensions outside the city limits. (1) Sewer mains. All proposed sewer main extensions outside the City of La Vergne must be granted approval to proceed from the city prior to preparation of plans. The city reserves the right to reject any extensions.

All sewer main extensions outside the City of La Vergne shall be installed by and at the expense of the developer from the end of the existing sewer main whether it is inside or outside of the city limit.

The city may connect a main to, or extend a main from, any main previously installed in accordance with the above terms without obligation to the developer or consumer who previously installed such main.

(2) Water mains. All proposed water main extensions outside the City of La Vergne must be granted approval to proceed from the city prior to preparation of plans. The city reserves the right to reject any extension.

All water main extensions outside the City of La Vergne shall be installed by and at the expense of the developer from the end of the existing water main whether it is inside or outside the city limit.

The city may connect a main to, or extend a main from, any main previously installed without obligation to the developer or consumer who installed such main. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-131. Exceptions. The regulations governing the extension of water and sewer mains shall not limit the city from participating in the cost of water and sewer main extensions when the application warrants consideration due to high volume consumption or favorable return on investment. All sewer and water extensions must be approved by the board. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

18-132. Regulations for the installation of water service to apartments, multipurpose dwellings, and mobile home parks.

(1) Meter, piping, charges. (a) A master water meter shall be provided by the owner meeting city standards and specifications. Such meter shall be dedicated to the city and installed at a location approved by the city.

(b) Such meters shall provide for sufficient fire flows through the meter.

(c) The owner shall be responsible for all interior piping, valves, hydrants, and appurtenances on the owner's side of the meter.

(d) The owner shall be responsible for all leaks on the owners side of the meter and the city shall not make any adjustments in charges.

(2) Existing. (a) No additional connection fees shall be charged for those units that have already paid for internal tap fees.

(b) No tap fees shall be refunded.

(c) On existing apartments, multipurpose dwellings, and mobile home parks, the director of public works may install a city owned meter.

(3) Fees. (a) The public works director is authorized to bill on a regular basis for water use measured by the single master meter. It shall be the owner's responsibility to bill individual tenants.

(b) In the event that water or sewer usage is not paid by the owner on or before the due date the public works director may discontinue the service and/or prosecute the owner or owners for nonpayment under the general penalty clause of the city or under other local or state statutes, it being understood that individual tenants not be without water or sewer service because the owner would not pay for the service. (Ord. #2007-17, June 2007, as replaced by Ord. #2007-27, Sept. 2007)

CHAPTER 2

WASTEWATER

SECTION

- 18-201. Application for sewer service.
- 18-202. Connection with sewer required.
- 18-203. Sewer service charges.
- 18-204. Service connections.
- 18-205. Customer service lines not to serve others.
- 18-206. Compliance with the International Plumbing Code.
- 18-207. Sewer service from La Vergne water/sewer and water from another utility or well.
- 18-208. Use of existing systems.
- 18-209. Sewer line stoppages.
- 18-210. Compliance with rules and regulations.
- 18-211. Sewage received from septic tank haulers.
- 18-212. Extension of sewer main.
- 18-213. Damage claims.
- 18-214. Regulations for the installation of sewer service to apartments, multipurpose dwellings, and mobile home parks.

18-201. Application for sewer service. Persons desiring sewer service connections shall make application to the city. The application shall state that the applicant shall abide by the rules, rates and charges of the city then in force, or which thereafter is adopted. The application shall be signed by the owner or tenant of the premises, and shall state the location of the premises to be served, including street, lot number, and relevant elevations of the main floor or basement so the city can determine the availability of service. (1994 Code, § 18-201)

18-202. Connection with sewer required. Mandatory connection to public sewer service is required where the service is available. When a public sewer become available, the building sewer shall be connected to such public sewer within ninety days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. When a public sewer becomes available, the resident shall pay a minimum charge for sewer service until which time he connects to the public sewer. (1994 Code, § 18-202)

18-203. Sewer service charges. All water customers of the city whose premises are connected with the sanitary sewerage system shall pay sewer service charges in accordance with rates as shown in title 18, chapter 4, of this document.

Sewer users that have water usage that is not returned to the sewerage system may request an exemption from sewer charges for such non-returned water by submitting plumbing plans for the facility showing the proposed location for an approved water meter for the 'non-returned water.' The meter shall be readily accessible for reading by city personnel. The cost of the meter installation shall be paid by the customer with the meter becoming the property of the city. (1994 Code, § 18-203)

18-204. Service connections. The customer shall bear all installation and maintenance cost and indemnify the city. All costs and expenses incident to the installation and connection to the sanitary sewer main shall be borne by the owner, including the maintenance of the line. The owner shall indemnify and save harmless the city from all loss or damages of any kind that may directly or indirectly be occasioned by the installation, connection, or maintenance of the sewer including, but not limited to, all damages to persons or property. All utility construction must be inspected by the director of public works or his authorized representative.

The director of public works or his representative must approve the size and location of all service lines and all such work must comply with the specifications of the city.

No work may be covered until inspected and accepted by the sewer department. An inspection fee shall be charged as outlined in title 18, chapter 4.

All pipes and other materials installed on the city's right-of-ways shall become property of the city and the city shall be responsible for maintaining same after they are accepted by the city in writing.

The sewer department may refuse to make connection or to commence or to continue sewer service whenever any installation is not in proper or safe condition.

Service lines connected to the public sewer system shall be located and installed in accordance with the established standards of the city. All service lines shall be approved and inspected by the city director of public works or his representative. The customer shall be responsible for the maintenance and upkeep for the service line from the facilities served by the connection to the city's main line sewer. (1994 Code, § 18-204)

18-205. Customer service lines not to serve others. When sewer service is provided to a customer under a sewer permit, no other customer line shall be connected to the service line. (1994 Code, § 18-205)

18-206. Compliance with the International Plumbing Code. The customer shall be responsible for installing and maintaining his service line in compliance with the International Plumbing Code as adopted and amended from time to time by the city. Should the plumbing official or his authorized inspector

determine the customer's service line needs to be rehabilitated or replaced, it shall be the responsibility of the customer to perform the necessary corrective work. (1994 Code, § 18-206, as amended by Ord. #2006-18, Nov. 2006)

18-207. Sewer service from La Vergne water/sewer and water from another utility or well. Customers connected to the city sewage system but not connected to the city water system, will be charged for sewer service based on metered water used, if obtainable. If the customer has water service from a source other than the city and fails to pay the city for sewerage service, the city has the right to disconnect or plug his sewer service line serving the property.

Single dwelling customers served by an unmetered water supply and connected to the city sewerage system shall pay a monthly flat rate sewerage charge in accordance with the Schedule of Rates and Charges. (1994 Code, § 18-207)

18-208. Use of existing systems. Existing septic tank/field line systems may be used until sewer service is available to serve the customer. The customer is required to use the sewer system provided by the city or will be required to pay a minimum sewer bill each month for the availability of the sewer service. (1994 Code, § 18-208)

18-209. Sewer line stoppages. The system of sanitary sewers is for collecting, carrying, and disposing of house sewage, that is the liquid waste from domestic or household and industrial service. Sewers shall not be used for any other purpose, and no water from rain, surface water, snow or seepage, or any swill, unground garbage, sweepings, ashes, sand, clay, cotton, wool, rags, wearing apparel, oil, grease, rubbish, or other solid matter that may not be promptly dissolved by the sewage shall be placed into the sewer system.

The city's personnel will unstop sewer lines outside the property line of the customer's premises at the expense of the city. It will be the responsibility of the customer to unstop blocked service lines on the customer's premises; however, in the event there is some doubt as to location of the stoppage, the city may unstop the line. Should the city determine that the blockage was located on the customer's premises, the customer shall pay for actual cost of unstopping the line by the city crew. (1994 Code, § 18-209)

18-210. Compliance with rules and regulations. As a condition for service all customers are required to abide by all rules and regulations of the city sewer service. (1994 Code, § 18-210)

18-211. Sewage received from septic tank haulers. The city will not review domestic-type septic tank sewage from local haulers. (1994 Code, § 18-211)

18-212. Extension of sewer main. Sewer mains may be extended with the permission of the city as is herein provided. (1994 Code, § 18-212)

18-213. Damage claims. The city shall not accept responsibility for damages incurred by a customer of the city water/sewer department, when said damages have resulted from the following actions:

(1) Damages caused by defective operation or condition of the customer's plumbing system.

(2) Damages caused by a defective condition in the wastewater system, unless the department receives actual or constructive notice of the defective condition.

That all claims resulting from negligent operation, negligent installation, or negligent repairs, and all claims arising out of sudden and unexpected emergency repair work, will be handled on a case by case basis within the scope of the city's liability insurance carrier's policies, and within the scope of general law, including the Tennessee Municipal Tort Liability Act. (1994 Code, § 18-213)

18-214. Regulations for the installation of sewer service to apartments, multipurpose dwellings, and mobile home parks.

(1) Mains, structures, easements. (a) Sewer mains, laterals, manholes, and appurtenances shall be installed to city standards and specifications.

(b) All sewer mains, laterals, manholes, and appurtenances shall be inspected by the city and shall be dedicated to the city after acceptance by the city.

(c) A twenty (20) foot wide permanent sewer easement shall be provided.

(d) No structure, fence, building, or other obstruction shall be placed upon or across the easement.

(e) No buildings, mobile homes, or structures of any kind shall be placed closer than twenty (20) feet from the edge of the sewer easement.

(2) Private systems. (a) For private sewer systems that have not been inspected and dedicated to the city, sewer flow meters shall measure the sewer discharge into the public sanitary sewer.

(b) Such sewer flow meters shall meet requirements and specifications of the city; shall be provided by the owner, shall be calibrated semiannually; shall be maintained according to city standards and requirements.

(c) The owner shall be required to pay for sewer flows calculated by the meters on a monthly basis. The public works director of the city shall average the flows for billing purposes when flow meters are not functioning properly.

(d) For owners having less than twenty-five (25) units, the owner may petition the director of public works to estimate monthly flows and bill from estimated flows without requiring the installation of flow meters.

(e) The owner of a private system shall be required to enter into an annual agreement for depositing sanitary sewer into the public sanitary sewer system.

(f) The director of public works is authorized and directed to impose usage penalties for sewer flows that exceed the normal dry weather usage based upon estimated flows. (1994 Code, § 18-214)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Abbreviations.
- 18-304. Use of public sewers.
- 18-305. Private wastewater disposal.
- 18-306. Building sewers and connections.
- 18-307. Pollutant discharge limits.
- 18-308. Pretreatment program administrations.
- 18-309. Exception of wastewater strength standard.
- 18-310. Inspections monitoring and dangerous discharge notification.
- 18-311. Dangerous discharge notification requirements.
- 18-312. Responsibilities of city administrator.
- 18-313. Fees.
- 18-314. Powers and authority of inspections.
- 18-315. Enforcement.
- 18-316. Penalties.
- 18-317. New construction.
- 18-318. Permit fees; lab testing expenses.

18-301. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of La Vergne and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR 403).

The objectives to this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users, enforcement of general requirements for all users,

authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The chapter shall apply to the City of La Vergne and to persons outside the city who are, by contract or agreement with the city, users of the Metro Nashville Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the city administrator shall administer, implement and enforce the provisions of this chapter.

All users connected to the city's sewer collection system shall comply with and be subject to chapter 15.60 of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, along with all other applicable ordinances, rules, and regulations pertaining to pretreatment as adopted by the Metropolitan Government of Nashville and Davidson County, Tennessee.

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the city, the provision that establishes the higher standard shall prevail. (1994 Code, § 18-401, as replaced by Ord. #2015-07, May 2015)

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

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

(2) "Approval authority" - The Tennessee Department of Environment and Conservation, Division of Water Pollution Control and/or any authorized representative thereof.

(3) "Approved pretreatment program" - The pretreatment program administered by the City of La Vergne approved by the Tennessee Department of Environment and Conservation under 40 CFR.

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

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, if the industrial user is a corporation;

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

(c) If the industrial user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;

(d) Or the individuals described in (a) through (c), above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible

for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city administrator.

(5) "Available" - As used in connection with this chapter means a public sewer located at the property line or point at which connection may be made with the city sanitary sewage collection facilities.

(6) "Best Management Practices or BMPs" - Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-304(5) or Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(7) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at twenty degrees (20°) Centigrade expressed in terms of weight and concentration in milligrams per liter (mg/l).

(8) "Building sewer" - The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

(9) "Building sewer permit" - As set forth in "building sewers and connections" (§ 18-406).

(10) "Categorical standards" - National categorical pretreatment standards or pretreatment standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.

(11) "City" - The City of La Vergne, its mayor and board of aldermen, or the city administrator or his/her designee.

(12) "City administrator" - The city administrator as director of wastewater facilities and/or of wastewater treatment works and/or of water pollution control for the City of La Vergne or his/her authorized deputy, agent, representative, or designee.

(13) "Combined sewer" - Any conduit carrying both sanitary sewage and storm water or surface water.

(14) "Compatible pollutant" - Biochemical oxygen demand, suspended solids and fecal coliform bacteria, plus additional pollutants that the POTW is designed to treat and, in fact, does treat to the degree required by the POTW's NPDES permit.

(15) "24-hr. flow proportioned composite sample" - A combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow for some specified period, to minimize the effect of variability

of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

(16) "Control authority" - The term shall refer to the "approval authority" defined hereinabove; or the city administrator or his/her designee if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(18) "County health department" - The Health Department for Rutherford County.

(19) "Dilution stream" - Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, subchapter N.

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

(21) "Easement" - An acquired legal right for the specific use of land owned by others.

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

(23) "Equipment" - All movable, non-fixed items necessary to the wastewater treatment process.

(24) "Federal pretreatment standards" - Federal regulations for pretreatment of industrial wastewater under 40 CFR, subchapter N and any applicable regulations, as amended.

(25) "Garbage" - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(26) "Grab sample" - A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.

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

(28) "Incompatible pollutant" - All pollutants other than compatible pollutants as defined in this section.

(29) "Indirect discharge" - The discharge or the introduction of pollutants into a POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

(30) "Industrial user" - A source of indirect discharge.

(31) "Industrial waste" - The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.

(32) "Interceptor" - A device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from domestic wastes while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

(33) "Interference" - A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of Metro's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW. (Prior code § 40-1-5 (a)(19)).

(34) "Local limit" - Specific discharge limits developed and enforced by the POTW upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

(35) "Maximum daily concentration" - The maximum concentration per day of a pollutant based on the analytical results obtained from a twenty-four (24) hour composite sample.

(36) "May" - This is permissive.

(37) "National Pollutant Discharge Elimination System or NPDES Permit" - A permit issued pursuant to section 402 of the Act (33 USC 1332).

(38) "NPDES state" - a state (as defined in 40 CFR, 122.2) or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act. In this definition, the state refers to the State of Tennessee.

(39) "Natural outlet" - Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

(41) "Non-significant categorical industrial user" - An industrial user that is subject to categorical pretreatment standards but is determined by the city administrator to not be a significant industrial user on a finding that the

industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard" and the following conditions are met:

(a) The industrial user, prior to the city administrator's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in § 18-308(13)(b) {see Tennessee Rule 1200-4-14-.12(17)}, together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

Upon a finding that a user meeting the criteria in subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city administrator may at any time, but at least once every twelve (12) months, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(42) "Operation and maintenance expenses" - All annual operation and maintenance expenses including replacement cost works as shown by annual audit.

(43) "Pass through" - The allowable concentration of a parameter allowed by the POTW.

(44) "Person" - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(45) "pH" - The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

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

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

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

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

(51) "Prohibitive discharge standard" - Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

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

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

(54) "Public sewer" - A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

(55) "Replacement" - Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(56) "Sanitary sewer" - A sewer that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

(57) "Sewage" - The spent water of a community. Domestic or sanitary waste shall mean the liquid or waterborne wastes from residences, commercial buildings and institutions and is distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

(58) "Sewage system or works" - All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

(59) "Sewer" - A pipe or conduit that carries wastewater or drainage water.

(60) "Sewer user charges" - A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

(61) "Shall" - This is mandatory.

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

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

(b) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or

(c) Has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system; or

(d) Has in its wastewaters toxic pollutants as defined pursuant to section 307 of the Act or state statutes and rules; or

(e) Is found by the city, state approval authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(63) "Significant noncompliance" - A violation that meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-307(2);

(b) Technical Review Criteria (TRC) - Violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-307(2) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-307(2) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city administrator determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the

city administrator's exercise of its emergency authority 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 an individual wastewater discharge permit, or a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) 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;

(g) Failure to accurately report noncompliance;

(h) Any other violation(s), which may include a violation of best management practices, which the city administrator determines will adversely affect the operation or implementation of the local pretreatment program

(64) "Slug load" or "slug discharge" - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

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

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

(67) "Storm drain or storm sewer" - A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

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

(69) "Submission" - The information required by the City of La Vergne to administer the approved pretreatment program.

(70) "Surcharge" - A charge for service in addition to the basic sewer user and debt service charge, for those users whose contribution contains Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Suspended Solids (SS) or Ammonia Nitrogen (N-NH₃) in concentrations which exceed limits specified herein for such pollutants.

(71) "Suspended solids (TSS)" - Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(72) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CLEAN WATER ACT section 307(a) or other Acts.

(73) "Unpolluted water" - Water of quality equal to or better than the treatment works effluent criteria in effects or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(74) "User" - Any person who contributes, causes or permits the contribution of wastewater into the POTW. See definition of "person."

(75) "User charge" - The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

(76) "Wastewater" - The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes. See sewage.

(77) "Wastewater discharge permit" - As set forth in the administration section of this chapter.

(78) "Wastewater facilities" - The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(79) "Wastewater treatment works" - An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as "waste treatment plant" or "sewage treatment plant."

(80) "Watercourse" - A natural or artificial channel for the passage of water either continuously or intermittently.

(81) "Waters of the state" - All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1994 Code, § 18-402, as replaced by Ord. #2015-07, May 2015)

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

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CWA	Clean Water Act of 1979
EPA	Environmental Protection Agency
l	liter
mg/l	milligram per liter (parts per million)
µg/l	micron per liter (parts per billion)

NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et. seq.</u>)
TSS	Total Suspended Solids
U.S.C.	United States Code

Terms not otherwise defined herein, if questioned, shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. (1994 Code, § 18-403, as replaced by Ord. #2015-07, May 2015)

18-304. Use of public sewers. (1) Mandatory sewer connection.

(a) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that said public sewer is within five hundred feet (500') of the property line, and is determined by the city to be technically feasible to make said connection.

(b) 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 wastewater where public sanitary sewer service is available, as defined in paragraph (a), except as provided for in "private wastewater disposal" (§ 18-305). The existence within the city, wherever the services of the city sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available, of septic tanks, seepage laterals, privies, earth pits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes other than the facilities of the city, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the city and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or sewage collection, treatment and disposal system are available or may hereafter be made available is similarly declared to be a menace to the public health and general welfare for the city and its inhabitants, unless

such facilities are connected to the city sewage collection, treatment and disposal system. The city administrator may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and inspected by an authorized and qualified agent of the city sewer department.

(c) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(2) Unlawful discharge to storm sewers or natural outlets. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of La Vergne or in any area under the jurisdiction of said city or into any sewer which connects to the storm sewer system of the City of La Vergne, any objectionable wastewater or industrial wastes.

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

(3) Compliance. Compliance with local, state and federal laws. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

(4) Discharge of unpolluted waters into sewer. (a) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as stormwater, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The city administrator or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(b) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved

by the city administrator. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(c) The owner(s) of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(5) Substances which interfere. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall a wastestream exhibit a closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60° Centigrade) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and any other substances which have a closed cup flashpoint of one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Centigrade) or less, and any substance which the city, state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(b) Any waters or wastes having a pH lower than or higher than the limits found in the Metro Water Services Operational Division Policy No. 2008-01 for Local Limits (TABLE A) as may be amended from time to time, or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(c) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(d) Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

(e) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds one hundred four degrees (104°) Fahrenheit (forty degrees (40°) Centigrade).

(f) Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

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

(h) Any substance which causes the POTW to violate its NPDES permit, sludge disposal permit or the water quality standards of the receiving stream.

(i) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(j) 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.

(k) Any trucked or hauled pollutants, except at discharge points designated by city administrator.

(6) Grinder, septic tank use accessibility, pump ownership, electrical hookup are allowed to the City of La Vergne sewer system. (1994 Code, § 18-404, as replaced by Ord. #2015-07, May 2015, and amended by Ord. #2021-11, June 2022 *Ch4_10-06-22*)

18-305. Private wastewater disposal. (1) Public sewer not available.

(a) Where a public sanitary sewer is not available under the provisions of § 18-304, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary, the sludge may be disposed of only as approved by the city, by operators licensed by the city for such purposes.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by applicable local, state or federal regulations.

(d) Industries with current NPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

(2) Requirements for installation. (a) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the city administrator after approval of the system by the local and state authorities if required. The application for such permit shall be made on a form furnished by the city administrator which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city administrator.

(b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. These authorities shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the city administrator when the work is ready for final inspection and before any underground portions are covered.

(c) No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet.

(d) Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Rutherford County Health Department and of the City of La Vergne and must be inspected and approved by the authorized representative of the Rutherford County Health Department and by the city administrator.

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

(3) Requirements for connections. (a) Where the building drain of any residence, office, recreational facility or other establishment used for human occupancy is below the elevation to obtain a one percent (1%) grade in the building sewer but is otherwise accessible to a public sewer as provided in § 18-304(1)(a), the owner shall provide a private sewage pumping station as provided in § 18-306(4)(c) and (i), unless the property is located in an area where the city is providing pumping stations as a part of the system.

(b) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. (1994 Code, § 18-405)

18-306. Building sewers and connections. (1) General. (a) No unauthorized person shall uncover, make any connections with or

opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city administrator.

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

(i) For residential and commercial service, and

(ii) For service to establishments producing industrial wastes. In either case, the customer or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city administrator. An application fee shall be paid to the city at the time the application is filed. The fee shall be paid by all new residences and transferrals including industrial and commercial.

This non-refundable application fee shall be as set forth in the fee schedule adopted with the annual budget. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall, if requested by the city, provide a laboratory analysis of the waste if it is in being or of a similar waste if the applicant has another facility in being with a similar waste.

(b) Users shall notify the city administrator of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The city administrator may deny or condition this new introduction or change based upon the information submitted in the notification.

(c) All customers to whom a public sewer is accessible shall connect to the sewer as provided in this chapter following payment of the application, inspection, and connection fees. Customers failing to connect to the new system under these provisions or those who wish to connect to existing public sewers in the future will be required to pay a "tap" or connection fee to defray the cost to the City of La Vergne of providing for the service connection. The connection fee will be established as provided by ordinance.

(d) All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the City of La Vergne from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(e) A separate and independent building sewer shall be provided for every building.

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

(3) Prohibited connections. (a) Prohibitions on storm drainage and ground water. No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

(b) Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless a temporary permit by the city administrator is issued. The city administrator shall incorporate in such temporary permits such conditions as he deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefore.

(4) Design and installation. (a) Building sewers shall be at least four inches (4") in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four inch (4") building sewers shall be laid on a grade of at least one percent (1.0%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2.0') per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified in paragraph (b), below, shall be used. Pipe shall conform to the appropriate ASTM Specification and shall be laid in conformance with the appropriate ASTM Specification or with S.P.C.F. Manual of Practice No. 9. No more than a two-family dwelling per simplex station (grinder pump) and no more than one (1) commercial establishment per station unless approved by the city.

(b) The pipe for house services may be either:

(i) SDR 35 PVC pipe meeting ASTM Specification D3034 with rubber gasketed push-on type joints, or

(ii) Commercial extra heavy grade cast iron soil pipe conforming to Federal Specification WW-P-401-D with bituminous coating. PVC pipe shall have a minimum wall thickness of 0.125

inches for 4-inch pipe and 0.180 inches for 6-inch pipe and shall be installed in accordance with recommended practice for "Underground Installation of Flexible Thermoplastic Sewer Pipe," ASTM Designation D2321.

Cast iron soil pipe shall be installed in compliance with applicable provisions of WPCF Manual of Practice No. 9.

(c) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer at a grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions, by installation of check valves or other backflow prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(d) The connection of the building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made water tight. Any deviation from the prescribed procedures and materials must be approved by the city administrator before installation.

(e) At or near the point of entry of the building sewer into the building being served, an open vent, vented to atmosphere, shall be provided. The vent shall have an inside diameter of at least three inches (3").

(f) The applicant for the building sewer permit shall notify the city administrator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city administrator.

(g) At least one (1) cleanout shall be provided for each building sewer. The cleanout shall be located as near to the building as possible. Additional cleanouts are recommended at any horizontal change in direction in the building sewer requiring a forty-five degree (45°) or greater bend. In the case of connections with individual pumps located close to the building, the requirement for a cleanout may be waived by the city administrator.

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

(i) Simplex station (grinder pump) installation.

(j) Destruction or malice to any city owned appurtenances, pumps, or tanks shall be the responsibility of the owner. A charge for replacement of said equipment and labor shall be rendered.

(k) Upon review by the city and city administrator, a service charge may be imposed on any commercial or residential user for foreign material or breakage of the pump station whether duplex or simplex such as but not limited to plastic, cloth, metal, wood, etc.

(5) Inspection. The applicant for the building sewer permit shall notify the city administrator when the building is ready for inspection and connection to the public sewer.

(6) Maintenance. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the city administrator to meet specifications of the city. (1994 Code, § 18-406, as amended by Ord. #2012-10, June 2012, replaced by Ord. #2015-07, May 2015, and amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-307. Pollutant discharge limits. (1) General conditions. The following described substances, materials, waters, or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The city administrator may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the city administrator shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(2) Maximum concentrations. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in Metro Water Services Operational Division Policy No. 2008-01 for Local Limits (TABLE A) as may be amended from time to time, unless:

(a) An exception has been granted the user under the provisions of § 18-309; or

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

limits: POTW is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14- 05(3).

The POTW may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of § 18-307(2).

(3) Restricted discharges. (a) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters in any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the city administrator.

(c) No person shall discharge or cause to be discharged any of the following described waters or waste to the sanitary sewers:

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

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

(iii) Any waters or wastes having a pH lower than or higher than the limits found in the Metro Water Services Operational Division Policy No. 2008-01 for Local Limits (TABLE A) as may be amended from time to time, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

(d) No person shall discharge or cause to be discharged any of the following described waters or wastes to the sanitary sewers except by special written permit, and then only in strict accordance with the terms of the permit. No permit will be issued if it appears likely in the opinion of the city administrator that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, violate the national pollutant discharge elimination

system program or the regulations of the State of Tennessee or the Environmental Protection Agency, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the city administrator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(i) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F).

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

(iii) Any waters or wastes containing acidic or alkaline solutions, iron pickling wastes, metal plating wastes, or other process wastes, in sufficient quantities as to be detrimental to the biological treatment process whether by increasing the alkalinity, the acidity, the ionic concentration, or the toxicity. Prospective dischargers with the wastes which fall into the classifications of this section shall be responsible for proving their compliance.

(iv) Wastewater that will cause the influent concentration at the central Metro Wastewater Treatment Plant to exceed the pollutant levels identified in Metro Water Services Operational Division Policy No. 2008-01 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent - Maximum Concentrations (TABLE B) as may be amended from time to time. Metro shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-01 (TABLE B). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, Metro shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. Metro may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

(v) Any waters or wastes exerting an excessive chlorine demand as determined by the city administrator.

(vi) Any waters or wastes containing producing substances, in such concentration exceeding limits which may be established by the city administrator as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

(viii) Any waters or wastes containing unusual concentrations of inert dissolved or suspended solids.

(ix) Any water or waste so discharged as to cause slugs as defined herein.

(x) Any water or waste containing excessive color which, upon passing through the treatment plant, results in concentrations which exceed the discharge limits set forth in the city's NPDES discharge permit.

(xi) Any water or waste containing or resulting in noxious or malodorous gases which create public nuisances or prevent entry into the sewer for maintenance or repair.

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

(xiii) Any discharges not in compliance with federal pretreatment requirements.

(xiv) BOD, COD, suspended solids, fecal coliform, and NH₃-N in excess of limits found in the Metro Water Services Operational Division Policy No. 2008-01 as may be amended from time to time. Limits are subject to revision.

(xv) Discharge of any type by septic tank cleaners, waste disposal contractors or liquid or solid cleaners, waste disposal contractors or liquid or solid waste handlers of any type.

(4) Dilution of wastewater discharge. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or for any other pollutant-specific limitation developed by the city or the State of Tennessee.

(5) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the city administrator, they are necessary for the proper handling of liquid wastes containing floatable

oils and/or greases in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the city administrator and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by currently licensed waste disposal firms.

(6) Special industrial pretreatment requirements. (a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under 40 CFR subchapter N and 40 CFR 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the city administrator. All persons receiving such permission shall abide by all applicable provisions of this chapter and any other special provisions that may be established by the city administrator as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer shall pay fees for such discharge in accordance with a fee schedule established by the city administrator and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer systems except at points of discharge designated by the city administrator for such purposes. Any liquid waste hauler shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in § 18-316. Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with county health department, state or federal regulations.

(7) Protection from accidental and slug discharges. (a) For the purposes of this subsection, a slug discharge is any discharge of a

non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, from diked areas or holding ponds. The permittee shall notify the POTW immediately by telephone of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five days, as prescribed in 40 CFR 403 8(f)(2)(v).

(b) Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge. The city administrator shall evaluate all significant industrial users for the need for a slug control plan or other actions. Any new significant industrial users shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the department. Existing significant industrial users may be required to review and resubmit a revision of the slug control plan at the request of the department. Should the department decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements;

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

(ii) Description of stored chemicals;

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

(iv) If deemed necessary by the city administrator, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

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

(9) City's right to revision. The city reserves the right to establish, by a majority vote of its aldermen, more stringent limitations or requirements on discharges to the POTW at the recommendation of the city administrator or if deemed necessary to comply with the objectives presented in this chapter.

(10) Federal categorical pretreatment standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city administrator shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. (1994 Code, § 18-407, as replaced by Ord. #2015-07, May 2015, and amended by Ord. #2022-11, June 2022 *Ch4_10-06-22*)

18-308. Pretreatment program administration. (1) Wastewater discharges. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the city administrator in accordance with the provisions of this chapter. Any agency and/or industries outside the jurisdiction of the city that wish to contribute wastewaters to the POTW must first sign (through an authorized representative) an interjurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this chapter, state, and federal regulations. An industrial user discharge permit may then be issued by the city administrator in accordance with § 18-308(3).

(2) Plans and specifications. Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer, and shall be submitted to the city administrator for approval. The city administrator shall review said documents and recommend any appropriate changes within forty-five (45) days of submittal. Following the completion of construction, the user shall submit "as-built" drawings to the city administrator to be maintained by the city administrator.

(3) Industrial user discharge permits. (a) General. All significant industrial users proposing to connect to or contribute to the POTW shall obtain an industrial user discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an industrial user discharge permit within thirty (30) days of the effective date of this chapter.

(b) Permit application. Users required to obtain an industrial user discharge permit shall complete and file with the city an application in the form prescribed by the city. Existing users shall apply for an industrial user discharge permit within thirty (30) days of the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information, in addition to any other information the city administrator may desire:

(i) Name, address and location of facility, and owner(s) if different from that given;

(ii) SIC number(s) according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;

(iii) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended and 40 CFR 261;

(iv) Time and duration of contribution;

(v) Daily average and maximum wastewater flow rates, including daily, monthly and seasonal variations if any;

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

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

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

(ix) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:

(A) The schedule must be acceptable to the city.

(B) 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.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city administrator including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay and the

steps being taken by the user to return the construction to the schedule established.

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

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

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

(xiii) A copy of the industry's written environmental control program, comparable document or policy;

(xiv) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(c) Issuance of industrial user discharge permit. The city administrator shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city administrator may issue an industrial user discharge permit subject to the terms and conditions provided herein.

(4) General permits. At the discretion of the city administrator, general permits may be used to control significant industrial user discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes;

(c) Require the same effluent limitations;

(d) Require the same or similar monitoring; and

(e) In the opinion of the city administrator are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(i) To be covered by the general permit, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.

(ii) The city administrator will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in this paragraph (4) and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(iii) General permits will contain the same required information as listed in § 18-308(b).

The control authority may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations as per 40 CFR 403.

(5) Permit modifications. Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the industrial user discharge permit of any user subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by such standard. Where a user subject to federal categorical pretreatment standards has not previously submitted an application for an industrial user discharge permit as required, the user shall apply for the permit within ninety (90) days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing industrial user discharge permit shall submit to the city administrator within ninety (90) days of the date of promulgation of an applicable federal categorical pretreatment standard the information required by this chapter.

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

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

(ii) Limits on the average and maximum wastewater constituents and characteristics, including best management practices, based on applicable pretreatment standards, local limits, state or local law;

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

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

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling to be performed, types and standards of analysis and reporting schedules;

(vi) Compliance schedule(s);

(vii) Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the city for a minimum of three (3) years, and afford city access thereto;

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

(ix) Requirements for notification of slug discharges;

(x) Requirements to control slug discharge, if determined by the city administrator to be necessary.

(xi) Requirements for the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the city administrator and deemed necessary by the city to verify that the user is in compliance with the said permit;

(xii) Statement of duration (in no case more than five (5) years);

(xiii) Statement of non-transferability without, at a minimum prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(xiv) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(xv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;

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

(xvii) Any other conditions as deemed appropriate by the city administrator and/or the city to ensure compliance with this chapter.

(b) Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the city administrator. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the combined wastestream formula and/or flow-weighted average formula given in 40 CFR 403.6(e). Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the city administrator may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be

calculated if necessary. The categorical industrial user must notify the city administrator thirty (30) days in advance of any change in production levels that might affect the flow or other data used to calculate the effluent limits in the discharge permit.

(7) Permit duration. Industrial user discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred twenty (120) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified in § 18-307 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time frame for compliance.

(8) Applicant to be notified of proposed permit conditions; right to object. (a) Upon completion of his evaluation, the city administrator shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

(b) The applicant shall have forty-five (45) days from and after the date of the city administrator's recommendations for special permit conditions to review same and file written objections with the city administrator in regard to any special permit conditions recommended by the city administrator. The city administrator or his representative may, but shall not be required, to schedule a meeting with applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections, and attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the city administrator, or a subsequent agreement is reached concerning same, the city administrator shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. Otherwise, the city administrator shall submit the disputed matters to the authority for resolution as hereinafter provided.

(9) Authority to establish permit conditions; hearing. (a) In the event the city administrator cannot issue a wastewater discharge permit pursuant to paragraph (7) above, the city administrator shall submit to the authority his/her proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

(b) The authority shall schedule a hearing within ninety (90) days following the meeting referred to hereinabove unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The city administrator shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

(d) Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to insure the applicant's compliance with this section or other applicable law or regulation and direct the city administrator to issue a wastewater discharge permit to the applicant accordingly.

(10) Permit transfer. Industrial user discharge permits are issued to a specific user for a specific operation. An industrial user discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without, at a minimum, a thirty (30) day prior notification of the change to the city administrator and provision of a copy of the existing permit to the owner. The city administrator may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this chapter.

(11) Reporting requirements for permittees. (a) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the city administrator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

(b) Periodic compliance reports. (i) All significant industrial users shall submit to the city administrator during the months of June and December unless required more frequently by the city administrator reports indicating the nature, 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. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative,

the user must submit documentation required by the city administrator or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with § 18-308(14).

(ii) All analyses shall be performed by a laboratory acceptable to the city; all analyses shall be included in the semi-annual compliance report. Analytical procedures shall be in accordance with procedures established by the U. S. EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the U. S. EPA. Sampling shall be performed in accordance with techniques approved by the U. S. EPA.

(iii) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U. S. EPA.

(iv) All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12 (o)(2).

(c) Baseline monitoring reports. (i) 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in paragraph (ii), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in paragraph (ii), below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(ii) The industrial user shall submit the information required by this section including:

(A) Identifying information. The name and address of the facility including the name of the operator and owners.

(B) Wastewater discharge permits. A list of any environmental control wastewater discharge 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 industrial 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 wastestream formula set out in 40 CFR 403.6(e).

(E) Measurement of pollutants. (1) Identify the categorical pretreatment standards applicable to each regulated process.

(2) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) or 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 procedures set out in § 18-308(7)(b). Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city administrator or the applicable standards to determine compliance with the standard.

(3) Except as indicated in § 18-308(11)(c)(E)(5) or if designated different in the user's permit, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by Metro. Where time-proportional composite sampling or grab sampling is authorized by Metro, the samples must

be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by Metro as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(4) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(5) For sampling required in support of baseline monitoring and ninety (90) day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14- 12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, Metro may authorize a lower minimum. For the reports required by § 18-308(11)(b) [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14- 12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(F) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(G) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the

industrial user will provide such additional pretreatment and/or O&M. 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 § 18-308(3)(b)(ix).

(H) All baseline monitoring reports must be signed and certified in accordance with § 18-308(10).

(iii) All new sources of industrial discharge must be in compliance with all provisions of this chapter prior to commencement of discharge.

(d) Notification of the discharge of hazardous waste. (i) Any industrial 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 industrial user discharges more than ten (10) 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 industrial user: an identification of the hazardous constituents in the following twelve (12) months. All notifications must take place no later than one hundred 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 discharges must be submitted under § 18-308(3)(b), above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of § 18-308(10)(c), above.

(ii) Dischargers are exempt from the requirements of § 18-308(1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(iii) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics or hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, 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.

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

(12) Permit violations. All significant industrial users must notify the city administrator within twenty-four (24) hours of first becoming aware of a permit violation. This notification shall include the date of the violation, the parameter violated and the amount in exceedance. Within thirty (30) days of first becoming aware of a permit violation, the significant industrial user must resample for the parameter(s) violated and submit this sample analysis to the city administrator, unless the city administrator, on behalf of the city, conducts monitoring of this parameter within that thirty (30) day period.

(13) Monitoring requirements. (a) The city shall require significant industrial users to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The city administrator shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standard and specifications. Construction shall be completed within ninety (90) days following approval of the location plans and specifications.

(b) All sampling analyses done in accordance with approved U. S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the city administrator, regardless

of whether or not that analysis was required by the user's discharge permit.

(c) The significant industrial user must receive the approval of the city administrator before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(14) Certification statement. (a) All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"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 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."

(b) Annual certification for non-significant categorical industrial users - A facility determined to be a non-significant categorical industrial user by the city administrator must annually submit the following certification statement signed by an authorized representative of the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

(d) This compliance certification is based on the following information."

(c) If the designation of an authorized representative is no longer accurate because a different individual or position has

responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the city administrator prior to or together with any reports to be signed by an authorized representative.

(15) Inspection and sampling. The city administrator shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying and examination of records or in the performance of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The city, approval authority and U. S. EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and U. S. EPA will be permitted to enter, without delay, for the purpose of performing their specific duties.

(16) Pretreatment. (a) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable federal categorical pretreatment standards within the time limits as specified by the federal pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the user's industrial user discharge permit. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city administrator for review, and shall be acceptable to the city administrator before construction for the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the change.

(b) The city administrator shall publish annually, in a newspaper of local circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at

any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (iii), (iv) or (viii) of this section) and shall mean:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-307(2);

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-307(2) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-307(2) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city administrator determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

(vi) 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;

(vii) Failure to accurately report noncompliance;

(viii) Any other violation(s), which may include a violation of best management practices, which the city administrator determines will adversely affect the operation or implementation of the local pretreatment program.

(17) Repeat sampling and reporting/notice of violation. If sampling performed by a user indicates a violation, the user must notify the city administrator or designee within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city administrator or designee within thirty (30) days after becoming aware of the violation, resampling by the industrial user is not required if the city administrator or designee performs sampling at the user's facility at least once a month, or if the city administrator or designee performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city administrator or designee receives the results of this sampling, or if the city administrator or designee has performed the sampling and analysis in lieu of the industrial user. If the city administrator or designee performed the sampling and analysis in lieu of the industrial user, the city administrator or designee will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(18) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES permit, and/or the pretreatment program upon request of the agency. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(19) Record keeping requirements. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices 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. Any user subject to the reporting requirement established in this article shall be required to retain for a minimum of four (4) years any records of monitoring activities and results

(whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the city administrator, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the city administrator, the Director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. (1994 Code, § 18-408, as replaced by Ord. #2015-07, May 2015)

18-309. Exception of wastewater strength standard.

(1) Applicability. This section provides a method for industrial users subject to the limitation on wastewater strength parameters to apply for and receive a temporary exception to the discharge level for one (1) or more parameters.

(2) Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; provided, however, that the city administrator shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

(3) Written applications. All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to § 18-309(5) hereof.

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

(5) Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(a) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those listed and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(b) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance

under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 USC 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

(c) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(d) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit taking into consideration the concentration of the pollutant and in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

(e) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by La Vergne or which would cause La Vergne to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 USC 1345).

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

(g) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

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

(i) The authority may consider 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.

(j) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this subparagraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth previously, provided, however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(6) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the authority that he is utilizing "Good Management Practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMPs include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(7) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the city administrator. It may grant the application for exception with such conditions or limitations as may have been recommended by the city administrator without a hearing provided that no person, including the applicant, shall object thereto, and provided further that the authority finds that the granting of the exception with such conditions as have been recommended by the city administrator will be in compliance with the provisions of this section.

(8) Hearing. In the event that the applicant objects to recommendations of the city administrator concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, then in such event the authority shall schedule a hearing within ninety (90) days following presentation of the matter by the city administrator to resolve such matters. At such hearing, the applicant, the city administrator, and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-313 hereof shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(9) Additional costs and expense. The city administrator may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by Metro for transmission and treatment of such substances.

The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

Such charge for the BOD, suspended solids, and oil and grease will be computed using the following formula:

Surcharge	(\$)/P = 8.34 x (F) x (TC) x (Pa-Pm)
Surcharge	(\$) total = Surcharges of BOD ₅ + Suspended Solids and Grease
P	- Parameter: BOD ₅ or Suspended Solids or Grease
F	- Flow in millions of gallons per day
TC	- Treatment costs for servicing POTW per pound of parameter
Pa	- Parameter, actual
Pm	- Parameter, maximum

Charges for other pollutants will be computed on a case by case basis. (1994 Code, § 18-409, as replaced by Ord. #2015-07, May 2015)

18-310. Inspections monitoring and dangerous discharge notification.

(1) Inspections monitoring and entry. (a) Whenever required to carry out the objective of this section, including but not limited to:

(i) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this section;

(ii) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance or permit condition;

(iii) any requirement established under this section:

(A) The city administrator shall require any industrial user to:

(1) establish and maintain such records,

(2) make such reports,

(3) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods),

(4) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the city administrator shall prescribe), and

(5) provide such other information as he may reasonably require.

(B) The city administrator or his authorized representative, upon presentation of his credentials:

(1) shall have a right to entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under § 18-310(1)(a)(iii)(A) of this subsection are located; and

(2) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under § 18-310(1)(a)(iii)(A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

(2) Maintenance of records. Any records, reports, or information obtained under this section:

(a) shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and

(b) shall be available to the public, except that upon a showing satisfactory to the city administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the city administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the city administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this section, except that such record, report, or information may be disclosed to officers, employees, or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this section or other applicable laws.

(3) Requirements. Specific requirements under the provisions of § 18-310(1)(a) shall be established by the city administrator, or the authority as applicable, for each industrial user and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility, and to submit detailed plans and operating procedures to the city administrator for review in accordance with accepted engineering practices. The city administrator shall review said plans within forty-five (45) days and shall recommend to the user any change he deems appropriate.

(4) Permits. Upon approval of plans as specified in § 18-310(3), the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

(5) Inspection. In the event any user denies the city administrator or his authorized representative of the right of entry, to or upon the user's premises, for purposes of inspection, sampling effluents, or inspecting and copying records or performing such other duties as shall be imposed upon him by this section, the city administrator shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. (1994 Code, § 18-410, as replaced by Ord. #2015-07, May 2015)

18-311. Dangerous discharge notification requirements.

(1) Telephone notification. Any person causing or suffering any discharge whether accidental or not, which presents or may present an

imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POTW, shall notify the city administrator immediately by telephone. In the absence of the city administrator, notification shall be given to the La Vergne employee then in charge of the collection system.

(2) Written report. Within five (5) days following such occurrence, the user shall provide the city administrator with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (1994 Code, § 18-411, as replaced by Ord. #2015-07, May 2015)

18-312. Responsibilities of city administrator. (1) City administrator and staff. The city administrator and his staff shall be responsible for the administration of all sections of this section.

(2) Authority of city administrator. The city administrator shall have the authority to enforce all sections of this section. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

(3) Records. The city administrator shall keep in his office all applications required under this section, a complete record thereof, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the La Vergne Hearing Authority.

(4) City administrator to assist La Vergne hearing authority. The city administrator shall attend all meetings of the La Vergne hearing authority or whenever it is necessary for him to be absent he shall send a designated representative, and shall make such reports to and assist said authority in the administration of this section.

(5) Notification. The city administrator shall notify industrial users identified in 40 C.F.R. 403.8(f)(2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of section 204(b) of the Act (33 USC 1284), section 405 of the Act (33 USC 1345), or under the provisions of sections 3001 (42 USC 6921), 3004 (42 USC 6924) or 4004 (42 USC 6944) of the Solid Waste Disposal Act. Failure of the city administrator to so notify industrial

users shall not relieve said users from the responsibility of complying with said requirements.

(6) Public notification of violations. The city administrator shall comply with all applicable public participation requirements of section 101(e) of the Act [33 USC 125(e)] and 40 C.F.R. Part 105 in the enforcement of national pretreatment standards. The city administrator shall at least annually provide public notification, in the largest daily newspaper published in Rutherford County of industrial users during the previous twelve (12) months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve (12) months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of § 18-309. (1994 Code, § 18-412, as replaced by Ord. #2015-07, May 2015)

18-313. Fees. (1) Purpose. This section provides for the recovery of costs from users of the POTW for the implementation and conduct of the pretreatment program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include the following:

- (a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (b) Fees from monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit application;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (g) Other fees as the city may deem necessary to carry out the requirements contained in this chapter;
- (h) Fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.
- (i) Charges shall be comprised for a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs. (1994 Code, § 18-415, as replaced by Ord. #2015-07, May 2015)

18-314. Powers and authority of inspections. (1) Right to enter premises. The city administrator and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this chapter.

(2) Right to obtain information regarding discharge. Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(3) Access to easements. Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(4) Safety. While performing the necessary work on private properties referred to in § 18-416(1), all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter. (1994 Code, § 18-416, as replaced by Ord. #2015-07, May 2015)

18-315. Enforcement. (1) General. The city through the city administrator or his designee, to insure compliance with this chapter, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the city administrator include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the city administrator or his/her designee.

All violations of requirements of this chapter must be reviewed and responded to by the city administrator or his representative. In general, the city administrator shall notify the industrial user when a violation occurs. For all

violations, the city administrator shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the city administrator's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city's pretreatment program Enforcement Response Plan Manual.

All users connected to the city's sewer collection system shall comply with and be subject to chapter 15.60 of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, along with all other applicable ordinances, rules, and regulations pertaining to pretreatment as adopted by the Metropolitan Government of Nashville and Davidson County, Tennessee.

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the city, the provision that establishes the higher standard shall prevail.

(2) Enforcement actions. (a) Informal notice. These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

(b) Formal notice. These actions include the following:

(i) Notice of violation. Any person found to be violating any provision of this chapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW city administrator with a written notice stating the nature of the violation. The offender must permanently cease all violations.

(ii) Administrative orders/fines. Any person who, after receiving a notice of violation, continues to discharge in violation of this chapter or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the city administrator. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a nonarbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the city administrator a request for the city to reconsider the fine within ten (10) days of being notified of the fine. The city shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user. The administrative order may take any of the following four forms:

Consent order - The city administrator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as all other administrative orders.

Compliance order - When the city administrator finds that an industrial user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

Cease and desist order - When the city administrator finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the city administrator may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

(A) Comply forthwith;

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

Show cause hearing order - The city administrator may issue to any user who causes or contributes to violations of this chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the city administrator regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the city administrator why more severe

enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The city itself may conduct the hearing and take evidence or may designate a representative to:

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

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically.

The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued. (1994 Code, § 18-417, as replaced by Ord. #2015-07, May 2015)

18-316. Penalties. All users connected to the city's sewer collection system shall comply with and be subject to chapter 15.60 of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, along with all other applicable ordinances, rules, and regulations pertaining to pretreatment as adopted by the Metropolitan Government of Nashville and Davidson County, Tennessee.

In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the city, the provision that establishes the higher standard shall prevail.

(1) **Written notice.** Any user found to be violating any provision of this chapter or a discharge permit or order issued hereunder shall be served by the city administrator or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in § 18-315, the notice may be of several forms. Also as contained in § 18-315, civil penalties of various forms may be levied against

users for violations of this chapter. The civil penalties shall range from publication of violators to fines in an amount as set forth in the fee schedule adopted with the annual budget per day per violation.

(2) Continued violation. Any user who shall violate any provision of this chapter, a discharge permit or other order issued hereunder shall be guilty of a violation of this chapter and shall be liable to the city administrator for a civil penalty as set forth in the fee schedule adopted with the annual budget per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

(3) Revocation of permit. Any user violating any of the provisions of this chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this chapter, discharge permit, order or applicable state or federal regulations is subject to having its industrial user discharge permit revoked in accordance with the procedures of this chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
- (b) Failure of the user to report significant changes in operation, processes, wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and
- (d) Violation(s) of any condition of the industrial user discharge permit.

(4) Liability. Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City of La Vergne for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(5) Misrepresentation and/or falsifying documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, reports, plan or other document filed or required pursuant to this chapter or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine as set forth in the fee schedule adopted with the annual budget or by imprisonment for not more than twelve (12) months or by both.

(6) Destruction of POTW and legal action. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate

arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(7) Judicial action. If any person(s) discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, discharge permit, any order of the city administrator or the city, or federal or state pretreatment requirements, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of competent jurisdiction. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this chapter or the orders, regulations and permits issued hereunder.

(8) Termination of service. The city administrator may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare for the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city administrator shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes for the harmful contribution and the measures taken to prevent any future occurrence to the city administrator.

(9) Criminal prosecution. Any industrial user who willfully or negligently violates any provisions of this chapter, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine up to ten thousand dollars (\$10,000.00) per violation per day or imprisonment for not more than one (1) year or both. (1994 Code, § 18-418, as replaced by Ord. #2015-07, May 2015, and amended by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-317. New construction. (1) Plans and specifications. On all new additions to sewage system for single family dwellings containing a grinder pump or above one (1) single family dwelling served by gravity sewer, there shall be two (2) sets of plans and specifications submitted to the city for review by the city and the city engineers.

(2) City specifications. All new work shall be done in accordance with city specification. Any changes in specifications must be submitted in writing to city thirty (30) days in advance for approval by city and city engineers.

(3) Inspections. All new work shall be inspected by city appointed authority. All lines and appentures shall be inspected before covering or backfilling. City shall be given twenty-four (24) hour notice before inspection. The city will make all taps to the main line, except in subdivisions of three (3) or more structures. Taps are chargeable to the owner or developer for materials, labor and equipment.

(4) Contractors. All contractors must be approved by the City of La Vergne. (1994 Code, § 18-419, as replaced by Ord. #2015-07, May 2015)

18-318. Permit fees; lab testing expenses. (1) Permit fees. Annual permit fees shall be paid by each wastewater discharge permit holder to the City of La Vergne. Each significant industrial user as defined by § 18-302 of the City of La Vergne Sewer Use Ordinance shall pay a fee, as set forth in the fee schedule adopted with the annual budget, annually. All other permit holders shall pay a fee, as set forth in the fee schedule adopted with the annual budget, annually.

(2) Lab testing expenses. All industrial user discharge permit holders shall be required to reimburse the City of La Vergne, as set forth in the fee schedule adopted with the annual budget for all actual lab testing and other expenses relative to monitoring the permit holder's discharge. (1994 Code, § 18-420, as replaced by Ord. #2015-07, May 2015, and Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

TABLE A

All pollutant concentration limits are expressed as milligrams per liter (mg/L), with the exception of pH

<u>Pollutant</u>	24 Hour Flow Proportional* Concentration Limit (mg/L) {Daily Maximum}	<u>Comments</u>	Grab Sample Limits (mg/L)
Biochemical Oxygen Demand	Not Applicable	*1	Not Applicable
Suspended Solids	Not Applicable	*1	Not Applicable
Oil & Grease	Not Applicable	*1	Not Applicable
Ammonia	300	*2	600.0
Arsenic	1.0	*5	2.0
Cadmium	0.253	*5	0.506
Chromium	3.5	*5	7.0
Chromium, VI	2.2	*5	4.4
Copper	5.0	*5	10.0
Lead	1.5	*5	3.0
Mercury	0.0055	*5	0.011
Molybdenum	1.4	*5	2.8
Nickel	5.0	*5	10.0
Selenium	1.0	*5	2.0
Silver	0.065	*5	0.13
Zinc	5.0	*5	10.0
			Grab Sample Limits (mg/L)
<u>Parameter</u>			
pH	Not Applicable	*4	5.0 — 10.0
Cyanide	Not Applicable	*5	2.0
Toluene	Not Applicable	*5	0.82
Benzene	Not Applicable	*5	0.27
1,1,1 Trichloroethane	Not Applicable	*5	3.81
Ethylbenzene	Not Applicable	*5	0.53
Carbon Tetrachloride	Not Applicable	*5	0.35
Chloroform	Not Applicable	*5	4.76
Tetrachloroethylene	Not Applicable	*5	2.30
Trichlorethylene	Not Applicable	*5	1.72
1,2 trans dichloroethylene	Not Applicable	*5	0.069
Methylene chloride	Not Applicable	*5	2.02
Total Phenol	Not Applicable	*5	3.05
Naphthalene	Not Applicable	*5	0.069
Total Phthalates	Not Applicable	*3,5	5.41
Xylene	Not Applicable	*5	0.27

Hydrogen Sulfide

Not Applicable

*5

0.50

Comments:

*Metro Water Services may allow a twenty-four (24) hour timed composite to be collected

*1: The surcharge threshold for Biochemical Oxygen Demand is 300 mg/L and 325 mg/L for Suspended Solids for a composite sample. The surcharge threshold is 100 mg/L for Oil & Grease grab sample. A maximum limit for these compatible pollutants may be established by Metro.

*2: The surcharge threshold for Ammonia is 30 mg/L, with a maximum limit of 300 mg/L.

*3: Total Phthalates is the sum of bis (2-ethylhexyl) phthalate, benzyl butyl phthalate, di-n-butyl phthalate and diethyl phthalate.

*4: pH is expressed in Standard Units (S.U.). Any time the pH is outside the 5.0 to 10.0 range it is considered a violation unless a specific variance is granted by Metro Water Services. Samples must be a grab sample that is tested within fifteen (15) minutes of collection.

*5: Local Limit.

(a) Any discharge of the following compounds or materials is prohibited (*1):

(I.) Polychlorinated Biphenyls (PCBs)

(II.) Herbicides and Pesticides, including, but not limited to:

Aldrin	Heptachlor epoxide
Alpha BHC, Beta BHC, Delta BHC, or Gamma BHC*	Hexachlorocyclo-hexane
Chlordane	Hexachlorocyclopentadiene
Demeton	Lindane
Dieldrin	Methoxychlor
Endosulfan I	Mirex
Endosulfan II	Tetrachlorodiphenylethane (TDE)
Endosulfan sulfate	Toxaphene
Endrin	Parathion
Endrin aldehyde	4,4-DDD
Guthion	4,4-DDE
Heptachlor	4,4-DDT

* BHC: Benzene Hexachloride

(III.) Organic compounds that include:

Acetone	Phenanthrene
Dioxin (TCDD)	2-butanone (MEK)
Hexane	4-methyl-2-pentanone (MIBK)

(b.) No person shall discharge any organic pollutants that result in the presence of toxic gases, vapors, or fumes within a

public, or private sewer, or treatment works in a quantity that will cause acute or chronic worker health and safety problems, or danger to the life and health of the public; or will cause any impact to the Metro sewer collection system or any Metro Wastewater Treatment Plant. Organic pollutants subject to this restriction include but are not limited to: Any organic compound listed in 40 Code of Federal Regulations 433.11(e) - Total Toxic Organics (TTO) list.

- (*1) "Prohibited" means that these compounds shall not be discharged to the POTW. Any wastewater sample that detects these compounds will be considered a violation of the Metro Water Services' Local Limits.

(as replaced by Ord. #2019-42, Jan. 2020 ***Ch4_10-06-22***)

TABLE B

Metro Water Services Wastewater Treatment Plant Protection Criteria
Influent Limits for each WWTP are expressed in mg/L

Pollutant	Central WWTP	Whites Creek WWTP	Dry Creek WWTP
	24 Hour Flow Proportional Composite Sample Limit (mg/L)*	24 Hour Flow Proportional Composite Sample Limit (mg/L)*	24 Hour Flow Proportional Composite Sample Limit (mg/L)*
Ammonia	33.3	33.0	33.0
Arsenic (As)	0.10	0.54	0.10
Cadmium (Cd)	0.012	0.011	0.015
Chromium, Total (Cr)	0.333	0.167	0.191
Chromium, VI	0.059	0.059	0.059
Copper	0.320	0.325	0.490
Lead (Pb)	0.12	0.12	0.12
Mercury (Hg)	0.0010	0.0010	0.0005
Molybdenum (Mo)	0.256	0.055	0.176
Nickel (Ni)	0.310	0.183	0.310
Selenium (Se)	0.538	0.422	0.435
Silver (Ag)	0.015	0.008	0.008
Zinc (Zn)	0.50	0.48	0.50

Pollutant	Grab Sample Limit (mg/L)	Grab Sample Limit (mg/L)	Grab Sample Limit (mg/L)
Naphthalene	0.005	0.005	0.005
Total phthalates *1	0.230	0.219	0.230
Cyanide	0.064	0.060	0.324
Toluene	0.036	0.063	0.081
Benzene	0.015	0.015	0.015
1,1,1 Trichloroethane	0.200	0.200	0.200
Ethylbenzene	0.029	0.029	0.029
Carbon Tetrachloride	0.021	0.039	0.019
Chloroform	0.258	0.258	0.258
Tetrachloroethylene	0.125	0.125	0.125
Trichloroethylene	0.091	0.091	0.091
1,2 trans dichloroethylene	0.005	0.005	0.005
Methylene chloride	0.132	0.132	0.132
Total Phenol	0.258	0.190	0.163
Xylene	0.015	0.015	0.015
Hydrogen sulfide	0.5	0.5	0.5

*1: Total Phthalates in the sum of bis(2-ethylhexyl)phthalate, benzyl butyl phthalate, di-n-butyl phthalate, and diethyl phthalate
(as replaced by Ord. #219-42, Jan. 2020 **Ch4_10-06-22**)

CHAPTER 4

WATER AND SEWER RATES AND FEES

SECTION

- 18-401. Usage charges.
- 18-402. Privilege tapping fees.
- 18-403. Tapping fees for outside of city limits and others not listed.
- 18-404. Fees for private fire hydrants and sprinklers.
- 18-405. Utility construction inspection fee.
- 18-406. Service connect fee.
- 18-407. Extraneous flow fee.
- 18-408. Plans review fee.
- 18-409. Televising, testing and sealing equipment.
- 18-410. Special assessment zone fees.
- 18-411. Schedule of other fees and charges.

18-401. Usage charges. The established water and sewer rates for customers served by the City of La Vergne municipal water system are as set forth in the fee schedule adopted with the annual budget. (1994 Code, § 18-501, as replaced by Ord. #2011-06, May 2011, amended by Ord. #2015-12, June 2015, and replaced by Ord. #2017-11, June 2017 *Ch3_9-3-19*, Ord. #2018-18, July 2018 *Ch3_9-3-19*, Ord. #2021-17, Aug. 2021 *Ch4_10-06-22*, and Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-402. Privilege tapping fees. The privilege tapping fees for water and sewer connections and the standard reference chart for privilege tapping fees are as set forth in the fee schedule adopted with the annual budget.

The minimum tapping privilege fee for each residential unit of a single or multifamily structure which cannot be served from an existing public road right-of-way or utility easement shall be as set forth in the fee schedule adopted with the annual budget, per residential unit for water service and per residential unit for sewer service only if the purchaser of the tapping privilege installs at no cost to the city all necessary extensions to the city's system in newly dedicated public road right-of-way or utility easements; shall pay the city a percentage fee, as set forth in the fee schedule adopted with the annual budget, of the fair market cost of said extensions; transfers to the city the title to said extensions at no cost to the city; and agrees to immediately repair or cause to be repaired at no cost to the city all breaks, leaks, or defects of any type whatsoever arising from any cause whatsoever occurring within one (1) year from the date such extensions are accepted in writing by the city. (1994 Code, § 18-502, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-403. Tapping fees for outside of city limits and others not listed. The tapping privilege fee(s) for all uses not specified and for areas outside the La Vergne city limits will be determined as set forth in the fee schedule adopted with the annual budget. (1994 Code, § 18-503, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-404. Fees for private fire hydrants and sprinklers. (1) The tapping privilege fee for connection of private fire protection lines shall be as set forth in the fee schedule adopted with the annual budget.

(2) The minimum bill for private fire hydrants and sprinklers shall be as set forth in the fee schedule adopted with the annual budget, per year per fire hydrant, and per sprinkler head. Deluge systems will require special consideration. (1994 Code, § 18-504, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-405. Utility construction inspection fee. All utility construction must be inspected by an authorized representative of the city. The cost for inspection of service lines shall be as set forth in the fee schedule adopted with the annual budget. (1994 Code, § 18-505, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-406. Service connect fee. A non-refundable service connect fee shall be paid by each customer to initiate water service. A residential customer who initiates a new connection shall pay a non-refundable service connect fee as set forth in the fee schedule adopted with the annual budget. All subsequent residential customers at the same location shall pay a non-refundable service connect fee as set forth in the fee schedule adopted with the annual budget. A commercial or industrial customer who initiates a new connection shall pay a non-refundable service connect fee as set forth in the fee schedule adopted with the annual budget. All subsequent commercial or industrial customers at the same location shall pay a non-refundable service connect fee as set forth in the fee schedule adopted with the annual budget.

In the event service is disconnected for nonpayment of a re-connect fee, as set forth in the fee schedule adopted with the annual budget will be required for reconnection. Requests for reconnection made after 10:00 P.M. will not be considered until after 8:00 A.M. the next business day. (Ord. #2007-27, Sept. 2007, as amended by Ord. #2008-18, Dec. 2008, and replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-407. Extraneous flow fee. The extraneous flow fee will be determined as set forth in the fee schedule adopted with the annual budget. (1994 Code, § 18-507, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-408. Plans review fee. Upon submission of the plans for review, the developer must pay a fee as set forth in the fee schedule adopted with the annual budget. (1994 Code, § 18-508, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-409. Televising, testing and sealing equipment. To repair defective joints by the use of the TV, test and seal equipment that is performed in developments not accepted by the city or developments under the one (1) year warranty period, the following fees, as set forth in the fee schedule adopted with the annual budget are to be charged to the developer of said developments. (1994 Code, § 18-509, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-410. Special assessment zone fees. Applicable to any water and wastewater tap, line extension, or access fee where the board of mayor and aldermen have determined it is necessary to increase water or sewer tap fees or to charge an extension or access fee to recover expenditures of the city or where the board of mayor and aldermen have determined it necessary to extend mains to serve property outside the present service area. These fees, as set forth in the fee schedule adopted with the annual budget shall be passed by ordinance by the board of mayor and aldermen. (1994 Code, § 18-510, as replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)

18-411. Schedule of other fees and charges. Other fees and charges shall be as set forth in the fee schedule adopted in the annual budget. (Ord. #2007-27, Sept. 2007, as amended by Ord. #2008-18, Dec. 2008, and replaced by Ord. #2021-35, Feb. 2022 *Ch4_10-06-22*)