

**TITLE 18**

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

**CHAPTER**

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**CHAPTER 1**

**SEWER USE ORDINANCE**

**SECTION**

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**18-101. Purpose and policy.** The purpose of this ordinance is to set uniform requirements for users of the Lexington Water Systems' (the system) wastewater collection system and treatment works to enable the system to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations; and to provide for the public health and welfare by regulating the quality of wastewater discharge into the Lexington Water Systems' wastewater collection system and treatment works. This ordinance establishes conditions for connection to the sanitary sewer system. Certain acts which may be detrimental to the sewer system are prohibited. This ordinance provides a means for determining wastewater volumes, constituents and

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

characteristics, the setting of charges and fees, and the issuance of permits to specific users. This ordinance also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which will interfere with the operation of the POTW, may cause environmental damages, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim the wastewater and/or sludge resulting from such treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof.

This ordinance shall apply to the Lexington Water Systems and to persons outside the city limits who are, by contract or agreement with the Lexington Water Systems, users of the Lexington POTW. Except as otherwise provided herein, the Water Systems Manager of the Lexington POTW shall administer, implement, and enforce the provisions of this ordinance. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-102. Definitions.** (1) For the purposes of this ordinance, the following phrases and words shall have the meaning defined below:

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

(b) "Approved pretreatment program." A program administered by a POTW that meets the criteria established in chapter 40 of the Code of Federal Regulations (40 C.F.R. 403.8 and 403.9), and which has been approved by the regional administrator or state director in accordance with 40 C.F.R. 403.11.

(c) "Best management practices." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 1200-4-14-.05(1)(a) and (2). BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(d) "Board." The Board of the Lexington Water Systems.

(e) "Building sewer." A sewer conveying wastewater from the premises of a user to a community sanitary sewer.

(f) "Bypass." The intentional diversion of waste streams from any portion of a treatment facility.

(g) "Categorical standards." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category

of users and that appear in 40 C.F.R. chapter I, subchapter N, parts 405-471.

(h) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(i) "Composite sample." Sample consisting of several sample portions collected during a specified period (usually twenty-four (24) hours) and combined to form a representative sample. Composite samples can be collected on a flow proportional or timed basis, depending on the nature of the discharge.

(j) "Conventional pollutant." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), pH, fecal coliform, and oil and grease.

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

(l) "Discharge monitoring report." A report submitted by an industrial user to the water systems manager containing information regarding the nature and concentration of pollutants and flow characteristics of a discharge by the user to the POTW.

(m) "Environmental Protection Agency" or "EPA." An agency of the United States or its duly authorized representative.

(n) "Grab sample." An individual sample collected over a period of time not exceeding fifteen (15) minutes.

(o) "Holding tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the POTW by any means other than by a standard sewer tie-on.

(p) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b) or (c) of the Act into the POTW for treatment before direct discharge to state waters.

(q) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act. For the purposes of this ordinance, an industrial user is a source of non-domestic wastes from industrial processes.

(r) "Infiltration." Water other than wastewater that enters a sewer system from the ground through such means as defective pipes, pipe joints, connections, or manholes.

(s) "Inflow." Water other than wastewater that enters a sewer system from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swamp areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, storm water, surface runoff, street wash water, and drainage.

(t) "Interference." A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

(u) "Mayor." The Mayor of the City of Lexington, Tennessee.

(v) "Mass discharge rate." The weight of material discharged to community sewer during a given time interval, normally given in pounds per day.

(w) "Maximum daily concentration." A limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that twenty-four (24) hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentration of equal volume samples collected during any calendar day or sampling period.

(x) "Medical wastes." Wastes capable of producing an infectious disease because they contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.

(y) "Monthly average concentration." The arithmetic mean of all the composite or grab samples collected in a one (1) calendar month period. When only one (1) sample is obtained in a monthly period, the results of that analysis shall be compared with the monthly average concentration limit to determine compliance.

(z) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act which applies to industrial users. These terms also include prohibited discharges promulgated in 40 C.F.R. 403.5 and local limits adopted as part of the system's pretreatment program.

(aa) "New source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that; the building, structure, facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent,

factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of parts (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous onsite construction program, any placement, assembly, or installation of facilities or equipment; or significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

(bb) "National Pollutant Discharge Elimination System (NPDES)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Act.

(cc) "Normal wastewater." Effluent, which contains constituents and characteristics similar to effluent from a domestic premises and specifically for the purpose of this ordinance, does not contain these constituents in excess of the following concentrations:

BOD <sub>5</sub>	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH <sub>3</sub> -N	30 mg/l
TSS	300 mg/l
Oil and grease	100 mg/l

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

(ee) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate,

government entity or any other legal entity, or their legal representatives, agents, or assigns.

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

(gg) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process change or by other means, except as prohibited by 40 C.F.R. 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. Where wastewater from a regulated process is mixed with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. 403.6(e).

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

(ii) "Publicly owned treatment works." A treatment works as defined by section 212 of the Act, which is owned in this instance by the Lexington Water Systems. This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

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

(kk) "Significant industrial user." (i) All discharges subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N.

(ii) All non-categorical dischargers that contribute a process waste stream which makes up five percent (5%) or more of the average dry-weather capacity of the wastewater treatment plant (WWTP) or more than an average of twenty-five thousand (25,000) gallons per day of process wastewater to the WWTP.

(iii) All non-categorical dischargers that, in the opinion of the water system manager, have a reasonable potential to adversely affect the POTW operations. This shall include, but shall not be limited to, all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

(iv) All non-categorical discharges that contain more than one hundred (100) pounds per day of combined BOD<sub>5</sub> and TSS load above that level found in normal wastewater or that contain more than one thousand (1,000) pounds in a month of combined BOD<sub>5</sub> and TSS load above that level found in normal wastewater.

(ll) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

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

(nn) "Toxic pollutants." Any pollutant or combination of pollutants listed as toxic in 40 C.F.R., part 401 as promulgated by the administrator of the EPA under the provisions of the Act.

(oo) "User." Any person, firm, corporation, or government entity that discharges, causes, or permits the discharge of wastewater into a community sewer system.

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

(qq) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological, and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to classify, define, or measure the contents, quality, quantity, and strength of wastewater.

(rr) "Water systems board." Composed of duly elected members of the board of aldermen that are appointed by the mayor and which functions as a governing body over Lexington Water Systems.

(ss) "Water systems manager." The person designated by the mayor to supervise the operation of the Lexington Water Systems and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

(tt) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state.

(2) The following abbreviations shall have the following meanings:

- |     |                  |   |                                    |
|-----|------------------|---|------------------------------------|
| (a) | BAT              | - | Best Available Technology.         |
| (b) | BMP              | - | Best Management Practice.          |
| (c) | BPT              | - | Best Practical Technology.         |
| (d) | BOD <sub>5</sub> | - | Biochemical Oxygen Demand (5-day). |
| (e) | C.F.R.           | - | Code of Federal Regulations.       |
| (f) | COD              | - | Chemical Oxygen Demand.            |
| (g) | CWA              | - | Clean Water Act.                   |

(h)	EPA	-	Environmental Protection Agency.
(i)	GMP	-	Good Management Practices.
(j)	MBAS	-	Methylene Blue Activated Substances.
(k)	mg/l	-	Milligrams per liter.
(l)	NPDES	-	National Pollutant Discharge Elimination System.
(m)	POTW	-	Publicly Owned Treatment Works.
(n)	RCRA	-	Resource Conservation and Recovery Act.
(o)	SIC	-	Standard Industrial Classification.
(p)	SWDA	-	Solid Waste Disposal Act.
(q)	TDEC	-	Tennessee Department of Environment and Conservation.
(r)	TSS	-	Total Suspended Solids.
(s)	U.S.C.	-	United States Code.
(t)	WWTP	-	Wastewater Treatment Plant. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-103. Use of public sewers.** (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within five hundred feet (500') of the building drain of the parcel shall be considered as being served by the system's sanitary sewer system.

All new buildings hereafter constructed on property which is served by the POTW shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the POTW shall cease to use any other method of the disposal of sewage except as provided for direct discharge by the TDEC or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The water system manager shall make any decision as to the availability of sewers. Notwithstanding the above exceptions, all premises served by the POTW are subject to sewer use charges as described in § 18-112 of this chapter.

(b) Unconnected sewer service lines prohibited. Except for discharge to a properly functioning septic tank system or discharges permitted by an NPDES permit issued by the TDEC, the discharge of sewage into places other than the POTW is prohibited.

(c) Insufficient capacity, connection moratorium. In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new

or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

(d) Notwithstanding any other provisions contained in the municipal code and subdivision regulations, a property owner of a lot in an existing platted subdivision which was platted and recorded prior to July 1, 2015 desiring to construct a building pursuant to this ordinance which is not currently served by city sewer shall make a request for sewer service to the water system manager. In the event the property owner declines to utilize any sewer that is available, the property owner at their own expense may then apply for approval of a septic tank permit through TDEC in lieu of sewer. There shall be no charges paid to POTW. A copy of a TDEC permit shall be delivered to the building inspector in order to obtain a building permit for the structure on the lots which apply under this subsection. Installation and future maintenance of septic tank systems installed pursuant to the ordinance shall be at the expense of the property owner. Neither POTW nor the City of Lexington shall have any liability for failure of a septic system installed pursuant to this ordinance. Should sewer service become available to the property owner in the future, connection to the sewer system shall be required within sixty (60) days. This ordinance is an exception to the distance provisions of Lexington City Municipal Code §18-103 Use of Public Sewers (1)(a) and is also an exception to the Municipal-Regional Subdivision Regulations of Lexington, Tennessee requiring sewer connection of property inside the city limits or within one thousand feet (1000') of existing adequate public facilities. As stated above, this exception only applies to undeveloped property located within an existing platted subdivision, platted and recorded prior to July 1, 2015.

All future subdivisions shall require a bond in the event a developer should default on construction of infrastructure as required under the Municipal Regional Subdivision Regulations of Lexington as well as the Lexington City Municipal Code. Said bonds shall be held by the office of the city recorder.

(2) Adequate and minimum fixtures. (a) Minimum number of fixtures. A dwelling shall have at least one (1) commode, one (1) bathtub or shower, one (1) lavatory, one (1) kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one (1) commode and one (1) hand washing lavatory.

(b) Adequate water for disposal of waste. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow sufficient quantity of water to be so applied as to properly carry off all waste matter and keep the same unobstructed.

(3) Right to enter and inspect connection. The water system manager, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities, at any time of the day between the hours of 7:00 A.M. and 6:00 P.M. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the POTW's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the water system manager of such a plug and allow same to be inspected prior to covering any work. If such a line is to be reused, it must first undergo inspection by the water system manager and be in conformity with the existing standards.

(5) Temporary discharges. No person shall discharge any substance directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless they have been issued a temporary permit by the water system manager. A temporary permit may be issued at the discretion of the water system manager to provide for discharge from portable facilities for festivals or public shows or for other reasonable purposes. The water system manager shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with provisions of this ordinance. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the water system manager shall be unlawful.

(6) Vehicle wash racks. All gasoline stations, garages, self-service vehicle washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building official. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are industrial users as defined in § 18-108 of this chapter, a permit as specified therein will be required.

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

(8) Multi-use private sewer systems. Excluding those industrial waste facilities with a permit issued pursuant to § 18-108, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the POTW's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter including liability for the damage or injury caused to the POTW as a result of any discharge through the private system. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011, and amended by Ord. #201505, Sept. 2015)

#### **18-104. Building sewers, connections, and permits.**

(1) Installation, maintenance, repair of sewer service lines.

(a) Definition. A standard sanitary sewer service line is a minimum four inch (4") pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main trunk.

(b) Installation of sewer service lines. Four inch (4") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot (at least one percent (1%)). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one (1) of the following approved materials:

- (i) Cast iron soil pipe using rubber compression joints of approved type;
- (ii) Polyvinyl chloride pipe with rubber compression joints;
- (iii) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or
- (iv) Similar materials of equal or superior quality following water system manager approval.

Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye or service line stubbed out or, in the absence of any other provision, by means of a saddle of a type approved by the Lexington Water System, attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent (1%) or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer, adequate precautions through the 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 sewer, wastes carried by such building drain shall be lifted by an approved means and discharged into the POTW sewer.

(c) Cleanouts. A cleanout shall be located five feet (5') outside of the building, one (1) as it taps on to the utility laterally and one (1) at each change of direction of the building sewer greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall extend to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") on a four inch (4") pipe.

(d) Fees. All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the Lexington Water System from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The system reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the water system manager.

(e) Title and maintenance. When a property owner ties into a sanitary sewer service line and pays the appropriate sewer service line fees, the Lexington Water System, by appropriate instrument, shall convey and release to the property owner all its right, title, and interest in the sanitary sewer service line so installed by the system. Thereafter, all repairs and maintenance of the sanitary sewer service line shall be the responsibility of the property owner or user of the sewer; provided, for all sanitary sewer service lines hereafter installed by developers in subdivisions and not by the utility, for which no sewer service line charge is charged to the property owner, all repairs and maintenance of such sanitary sewer service lines shall be the responsibility of either the property owner, user of the sewer, or the developer, as the owner, user, and developer shall agree by separate contract between themselves.

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. POTW personnel will provide whatever information is available for this purpose. If no "Y" or tee exists within three feet (3') of either side of the location shown on the sewer plats, then a tap will be provided by the POTW when the sewer main is exposed. If a manhole needed for locating a service line has been lost, then the POTW shall be responsible for locating the manhole.

(g) Taps on utility sewers. All taps made directly into the system's sewer lines shall be made by sewer maintenance personnel. The plumbing contractor shall excavate to the system's sewer and expose the pipe in preparation for the tap. Only one (1) service line shall be allowed to be installed in a trench. New taps shall be made using a "Y"-type connection.

(h) Manhole requirements. A new manhole will be required whenever a sewer service line larger than six inches (6") is needed to tie into the system's sewer. The plumbing contractor shall excavate to the sewer and sufficiently expose the pipe for installation of the manhole. Sewer maintenance personnel shall install the manhole. The cost of the manhole, including labor and materials, shall be charged to the owner after construction is completed.

(i) Maintenance of service lines. All repairs and maintenance of the sewer service line to include correction of excessive inflow or infiltration shall be the responsibility of the property owner or user of the sewer. The Lexington Water System shall be responsible for the maintenance of collector lines only up to the point where the owner's service line connects to the system's lines.

(j) Methods of installation. The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations

of the Lexington Water System or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the water system manager.

(k) **Public safety.** All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from potential hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner acceptable to the Lexington Water System.

(l) **Prohibitions.** No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, sump pumps, or other sources of surface run-off or groundwater to a building sewer or drain which in turn is connected either directly or indirectly to the sanitary sewer. Further, such existing connections are declared to be illegal, and shall be disconnected at the expense of the homeowner.

(2) Service line to enter sewer at junction; exceptions. No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the water system manager. In any case where such permission has been given, the work shall be done under the inspection of the water system manager or his representative and at the risk and expense of the party making the connection.

(3) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the water system manager for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the water system manager, the building sewer is installed in accordance with § 18-104 of this chapter, and an inspection has been performed by the water system manager or his representative.

Connections made without an approved application may be severed by order of the water system manager. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the permit application fee in an amount double the current fee.

The receipt by the Lexington Water System of a prospective customer's application for service shall in no way obligate the Lexington Water System to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the system's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the Lexington Water System to the applicant for such service, except that conditional waivers may be granted for additional services by the water system manager for interim periods if compliance may be assured within a reasonable period of time.

(4) Acceptance of work. All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the system's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the water system manager. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the water system manager. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-105. Private domestic wastewater disposal.** (1) Availability. Where a public sanitary sewer is not available under the provisions of § 18-103(1) of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to said sewer within sixty (60) days after official notification by the water system manager or his representative to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the water system manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the Lexington Water System and the Henderson County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Lexington Water System and the Henderson County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Lexington Water System and the Henderson County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Lexington Water System and Henderson County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Lexington Water System and Henderson County Health Department when the work is ready for final inspection and before underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Lexington Water System and Henderson County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all the recommendations of the TDEC, the Henderson County Health Department, and the Lexington Water

System. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Lexington Water System.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Lexington Water System and/or the Henderson County Health Department. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-106. Prohibitions and limitations.** (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the POTW. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the Lexington Water System to provide efficient wastewater treatment, to protect the public health and environment, and to enable the Lexington Water System to meet requirements contained in its NPDES permit. The water system manager shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of POTW personnel and the operation of the treatment works to enable the facility to comply with its NPDES permit, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The water system manager shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass-through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using test methods specified in 40 C.F.R. 261.21, or pollutants which cause an exceedance of ten percent (10%) of the Lower Explosive Limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 6.0 or greater than 10.0.

(c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(d) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength (slug) so as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade).

Unless a higher discharge temperature is specified in the user's wastewater discharge permit, no user shall discharge into a sewer line or other appurtenances of the POTW wastewater with a temperature exceeding one hundred fifty (150) degrees Fahrenheit (sixty-five and five-tenths (65.5) degrees Centigrade).

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

(g) Any trucked or hauled pollutants, except at discharge points specified by the POTW.

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

(i) Any pollutant which causes a discoloration of the WWTP effluent resulting in a degradation of receiving water quality and/or NPDES permit violation.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions that no person shall introduce into the POTW any pollutant(s) which cause pass-through or interference and specific provisions established in § 18-106(2)(c), (d), (e), (f), and (h) of this chapter where the user can demonstrate one of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.

(b) A local limit designed to prevent pass-through and/or interferences, as the case may be, was developed pursuant to §§ 18-106(10) and (11) of this chapter for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.

(c) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

(a) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.

(b) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the treatment works effluent such that receiving water quality requirements established by law cannot be met or the Lexington Water System NPDES permit requirements are violated.

(c) Wastewater causing conditions at or near the Lexington Water System treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

(d) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in § 18-106(10) or cause an exceedance of the limits in § 18-106(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The water system manager shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to § 18-106(5) and (10) of this chapter in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with

any additional or more stringent limitations contained in this ordinance. Compliance with current or newly promulgated national pretreatment standards for existing sources shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation of the standard. New sources shall have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before commencing discharge. New sources must meet applicable pretreatment standard within ninety (90) days of commencement of discharge.

(6) Dilution. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(7) Limitations on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDEC or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from said regulatory agencies has been filed with the water system manager.

(8) Septic tank hauling, pumping, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person first receives from the water system manager a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the water system manager, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the water system manager.

(a) The owner of such vehicles shall affix and display the permit number in four inch (4") block figures on the side of each vehicle used for such purposes.

(b) The permit shall be valid for a period of one (1) year from date of issuance, provided that the permit shall be subject to suspension or revocation by the water system manager for violation of any of the provisions of this ordinance or other applicable laws or regulations. A revocation or suspension of the permit shall be for a period not to exceed five (5) years. Such revocation for suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee. Users found operating in violation of a permit issued under

this section and whose permit is therefore revoked by the water system manager shall be notified of the violation by certified mail or by notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the water system manager.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by § 18-106(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewaters shall obtain a holding tank discharge permit in accordance with § 18-106(9).

(e) The water system manager shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(f) The water system manager shall have authority to investigate the source of any hauled waste and to require testing the waste at the expense of the discharger prior to discharge.

(9) Other holding tank wastes. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the water system manager. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the water system manager, pay appropriate fees, and agree in writing to abide by the provisions of this ordinance and any special conditions or regulations established by the water system manager. All such dischargers and transporters must show that they have complied with federal manifests and other regulations of the RCRA. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of discharge, the source and character of the waste, and shall limit the wastewater constituents of the discharge. The user shall pay any applicable charges or fees and shall comply with the conditions of the permit.

(10) Restrictions on wastewater strength. (a) No person or user shall discharge wastewater which exceeds the standards set forth in the users permit. The industrial user permit limits are calculated based upon state issued pass-through limits, potential interference with WWTP operation, and potential impact on accumulated pollutants in the waste sludge. Individual permit limits may differ based upon the pollutants of concern for each industrial user.

**TABLE A – USER DISCHARGE RESTRICTIONS**

<b>Parameter</b>	<b>Daily Average Concentration (mg/l)</b>	<b>Maximum Grab Sample Concentration (mg/l)</b>
Cadmium (Cd)	0.016	0.024
Chromium (Cr), VI	0.670	0.780
Chromium (Cr), III	Report	
Copper (Cu)	1.000	1.500
Lead (Pb)	0.1600	0.2400
Mercury (Hg)	0.0020	0.0030
Nickel (Ni)	0.590	0.890
Silver (Ag)	0.011*	0.011
Zinc (Zn)	5.440	8.160
Benzene (i)	0.069	0.104
Carbon Tetrachloride	0.280	0.420
Chloroform	0.820	1.230
Cyanide (CN), Total	0.132	0.198
Ethylbenzene	0.142	0.213
Methylene Chloride	0.350	0.525
Naphthalene	0.045	0.068
Phenols (Total)	0.556	0.834
Phthalates (Total)**	3.380	5.070
Tetrachloroethylene	0.500	0.800
Toluene	1.380	1.900
1,2, Trans Dichloroethylene	0.026	0.039
1,1,1 Trichloroethane	1.100	1.650
Trichloroethylene	3.366	0.549

\*=Daily maximum average.

\*\*The sum of bis(2-ethylhexyl) phthalate, butyl benzyl phthalate, di-n-butyl phthalate, and diethylphthalate.

(b) For compatible pollutants, discharge of concentrations greater than normal domestic wastewater as defined below will require an industrial user permit and may be subject to the surcharge fees as described under § 18-112 of this chapter.

### Normal Domestic Wastewater

BOD <sub>5</sub>	300 mg/l
COD	600 mg/l
Suspended solids	300 mg/l
Ammonia nitrogen	30 mg/l
Oil and grease	100 mg/l

The IU permit for such producer of compatible pollutants will contain limitations of concentrations and/or quantities (pounds per day) of pollutants such that the organic capacities of the Lexington Wastewater Treatment Plant are not exceeded. Such limitations shall be calculated for each such industry and may vary based upon the flow and strength of the IU wastewater, and on the available capacity of the Lexington Wastewater Treatment Plant.

(11) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following table. Industrial users shall be subject to reporting and monitoring requirements as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the levels set forth in this table the water systems manager shall initiate technical studies to determine the cause of the exceedance and shall recommend to the Lexington Water System the necessary remedial measures. The water systems manager may also recommend changes to these criteria in the event that the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Protection criteria have been established for the WWTP influent and are listed in Table B.

**TABLE B – PLANT PROTECTION CRITERIA**

Parameter	Protection Criteria (mg/l)
Cadmium (Cd)	0.004
Chromium (Cr), VI	0.187

Parameter	Protection Criteria (mg/l)
Chromium (Cr), III	None
Copper (Cu)	0.291
Lead (Pb)	0.0438
Mercury (Hg)	0.00063
Nickel (Ni)	0.1613
Silver (Ag)	0.0032
Zinc (Zn)	1.505
Benzene	0.019
Carbon Tetrachloride	0.075
Chloroform	0.224
Cyanide (CN), Total	0.038
Ethylbenzene	0.040
Methylene Chloride	0.096
Naphthalene	0.013
Phenols (Total)	0.167
Phthalates (Total)**	0.921
Tetrachloroethylene	0.139
Toluene	0.375
1,2, Trans Dichloroethylene	0.008
1,1,1 Trichloroethane	0.300
Trichloroethylene	0.100

\*\*The sum of bis(2-ethylhexyl) phthalate, butyl benzyl phthalate, di-n-butyl phthalate, and diethylphthalate.

(12) Storm drainage, ground, unpolluted and contaminated storm water. (a) No storm water, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the system's sewer system unless no other

reasonable alternative is available, except with permission from the water system manager. Reasonable conditions shall be prescribed and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the water system manager. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

(b) The POTW will accept discharge of contaminated storm water if the following criteria are met:

(i) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

(ii) The contaminated storm water meets the POTW's discharge limits and all state and federal pretreatment requirements; and

(iii) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(13) Use of garbage disposals. No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the water system manager for preparation of food consumed on premises, and then only when applicable fees are paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(14) Obstruction or damage to sewer. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewage treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011, and amended by Ord. #201501, Feb. 2015, and Ord. #201503, April 2015)

**18-107. Control of prohibited pollutants.** (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in §§ 18-106(10) and (11) of this

chapter to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or limitation contained in the industrial users wastewater discharge permit.

(2) Plans and specifications. Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional and be submitted to the water system manager for review in accordance with accepted practices. The water system manager shall review the plans within thirty (30) days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the water system manager. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the water system manager with as-built drawings to be maintained by the water system manager. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the water system manager prior to implementation.

(3) Prevention of accidental discharges. All 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 ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this ordinance. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the water system manager for review.

(4) Oil and grease control program. Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food processing facility.

Dischargers of oil and grease waste shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to good management practices and approval by the water system manager. Dischargers shall also be subject to monitoring, entry inspection, reporting and other requirements as determined by the water system

manager. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this ordinance.

(5) Slug control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this chapter. A slug is defined as any discharge of a non-routine nature, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the water system manager.

(b) Certain users will be required to prepare slug control/spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the water system manager for review and approval. All users required to have such a plan shall submit it within thirty (30) days of notification by the water system manager and complete implementation within ninety (90) days of notification. A slug control/spill response plan shall address, at a minimum, the following:

Description of discharge practices, including non routine batch discharges; description of stored chemicals; procedures for immediately notifying the water system manager of any slug discharge or spill resulting in a discharge, as required by § 18-107(5) of this chapter; and procedures to prevent adverse impact from any slug discharge or spill. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(c) Industrial users are required to notify the water system manager immediately of any changes at its facility affecting potential for a slug discharge.

(d) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within five (5) days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall

notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

(e) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in subsection (c) below, bypass is prohibited, and the water system manager may take enforcement action against an industrial user for a bypass, unless:

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

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.

(iii) The user submitted notices as required in § 18-109(13).

(b) The water system manager may approve an anticipated bypass after considering its adverse effect if the water system manager determines that it will meet the three (3) conditions listed in subsection (a) of this section.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of § 18-109(13).

(7) Best Management Practices (BMPs). (a) The goal of the BMP plan is to maintain effluent concentrations of prohibitive pollutants at or below permitted limits.

(b) Within twelve (12) months of the effective date of any permit allowing for BMPs in place of compliance sampling the permittee shall develop a BMP plan and submit it to the water system manager for review and approval. The objective of the plan will be to identify pollution prevention and wastewater reduction opportunities and to implement those opportunities that are technically feasible. At a minimum the plan shall include the following:

(i) A list of members of the team responsible for developing the BMP plan.

(ii) An inventory of source pollutants subject to the BMP plan. The inventory shall include a description of each source and pollutant load from each source. Also included shall be the identification of the facility's benchmark for each pollutant subject to the BMP plan.

(iii) Description of the current and any past BMPs and their effectiveness.

(iv) Identification of technical evaluation of BMPs. BMPs shall include: substitution of materials; reformulation or redesign of products; modification of equipment, facilities, technology, processes, and procedures; and improvement in management, inventory control, materials handling or general operational phases of the facility.

(v) A schedule for implementation of feasible BMPs.

(vi) Methods used for measuring progress towards the goals set forth in the BMP plan and provisions for updating the BMP plan.

(c) The permittee shall monitor potential sources of prohibited pollutants based on the sampling schedule set forth in the user's permit.

(d) Within twelve (12) months of the effective date of any permits allowing for BMPs as an alternative to sampling, the permittee shall submit an annual report to the water system manager. The annual report shall include:

(i) All BMP plan monitoring results for the year;

(ii) Updated inventory of sources of pollutants subject to the BMP plan;

(iii) A summary of effectiveness of all BMPs implemented to meet the BMP plan goal; and

(iv) Any updates to the BMP plan.

(e) Permits may be modified, or revoked and reissued, to revise or remove the requirements for BMPs based on information collected under § 18-107(7). (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-108. Wastewater discharge permits.** (1) Applicability. The provisions of this ordinance are applicable to all industrial users of the POTW. The Lexington Water System has an "approved POTW pretreatment program" as that term is defined in 40 C.F.R. part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a national categorical pretreatment standard shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the system's program or for the specific industrial categories is authorized.

(2) Application and permit requirements. Prior to discharging non-domestic waste into the POTW, all significant industrial users of the POTW shall obtain a wastewater discharge permit. The industrial user shall request that the water system manager determine if the proposed discharge is significant as defined in § 18-102. If the discharge is determined not to be significant, the water system manager may still establish appropriate discharge

conditions for the user. Any non-categorical industrial user designated as significant may petition the water system manager to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the POTW's operation or violation of any pretreatment standard or requirement.

All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the water system manager, pay appropriate fees, and agree to abide by the provisions of this ordinance and any specific conditions or regulation established by the water system manager. All original applications shall be accompanied by a report containing the information specified in § 18-108(3). All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans and sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the water system manager when alterations or additions to the user's premises affect said plans.

(3) Report requirements. The report required for all significant industrial users by § 18-108(2) or other provisions of this ordinance shall contain in units and terms appropriate for evaluation the information listed in subsections (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the water system manager a report which contains the information listed in subsections (a) through (f) below within one hundred eighty (180) days after the promulgation by the EPA of a national pretreatment standard under section 307(b) or (c) of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set forth in § 18-106 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subsections (a) through (g) of this section. New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit a report which contains the information listed in subsections (a) through (g) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (c) through (g) of this section. New sources shall submit the report a minimum of ninety (90) days prior to the commencement of discharge.

As specified, the report shall contain the following:

- (a) The user shall submit the name and address of the industrial user including the name of the operator and owners.
- (b) The industrial user shall submit a list of any environmental control permits for the facility.
- (c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user. This description should include a schematic process diagram

including a map showing the location of the industrial users and points of discharge to the POTW from regulated processes.

(d) The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the regulated process streams and all other streams as necessary to allow use of the combined waste stream formula. The water system manager may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) The user shall identify the pretreatment standards applicable to each regulated process. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the water system manager. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the water system manager for approval. The sample shall be representative of daily operations.

In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the water system manager or the applicable pretreatment standards to determine compliance.

The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto. Where 40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the water system manager determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, and approved by the water system manager.

The report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW. The water system manager may allow the submission of a report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.

(g) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.

(h) The reports required by this section shall include a certification statement that is compliant with the requirements of § 18-109(10).

For purposes of this paragraph, when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by § 18-106. For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-106.

(4) Incomplete applications. The water system manager will act only on applications that are accompanied by a report which lists all the information required in § 18-108(3). Industrial users who have filed incomplete applications will be notified by the water system manager that the application is deficient and the nature of the deficiency and will be given thirty (30) days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the water system manager, the water system manager shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application. Upon receipt of completed applications, the water system manager shall review and evaluate the applications and shall propose such special permit conditions as the water system manager deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable laws and regulations. The water system manager may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

(a) Pretreatment requirements.

(b) The average and maximum effluent limits, including best management practices, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.

(c) Limits on rate and time of discharge for flow equalization.

(d) Requirements for installation of inspection and sampling facilities.

- (e) Specifications for self-monitoring procedures.
  - (f) Requirements for submission of technical and/or discharge reports.
  - (g) Requirements for records maintenance.
  - (h) Average and maximum mass emission rates or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.
  - (i) Other conditions deemed appropriate by the water system manager to ensure compliance with the ordinance or other applicable law or regulation.
  - (j) A reasonable compliance schedule, as determined by the water system manager, up to one (1) year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.
  - (k) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.
  - (l) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.
  - (m) Requirements to control slug discharges.
  - (n) Statement of applicable civil and criminal penalties for the violation of pretreatment standards and requirements as part of an applicable compliance schedule.
  - (o) Permits shall have a statement of the duration for the permit.
  - (p) Permits shall have a statement of non-transferability.
- (6) Notification of proposed permit conditions. (a) Upon completion of the evaluation, the water system manager shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.
- (b) The applicant shall have forty-five (45) days from and after the date of the water system manager's recommendations for special permit conditions to review same and file written objections with the water system manager in regard to any special permit conditions recommended. The water system manager may, but is not required to, schedule a meeting with applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections to attempt to resolve disputed issues concerning special permit conditions.
- (c) If applicant files no objection to special permit conditions proposed by the water system manager or a subsequent agreement is reached concerning same, the water system manager shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

(7) Board to establish permit conditions. (a) In the event that the water system manager cannot issue a permit pursuant to § 18-108(6) above, the water system manager shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.

(b) The board shall schedule a hearing within thirty (30) days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

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

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this ordinance or other applicable laws or regulations and direct the water system manager to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. The following conditions shall apply to the schedules required by § 18-108(5) of this chapter:

(a) Schedule components. 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 requirements for the industrial user to meet the applicable pretreatment standards.

(b) Schedule intervals. No such increment shall exceed nine (9) months.

(9) Duration of permits. Wastewater discharge permits shall be issued for a time period not to exceed three (3) years. Permits issued to industrial users pursuant to § 18-107(7) shall be issued for a period of one (1) year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The water system manager shall notify in writing any industrial user whom the water system manager has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the water system manager in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modifications or change as such changes become necessary due to changes in applicable water quality standards, changes in the Lexington Water System's NPDES permit,

changes in §§ 18-106(10) or (11), changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the water system manager at least thirty (30) days prior to the effective date of the changes. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the water system manager in regard to any changed permit conditions as otherwise provided for in this ordinance.

(10) Transfer of permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation unless as approved by the water system manager. If approved by the water system manager a copy of the existing permit and any other control mechanisms shall be provided to the new owner or operator.

(11) Revocation of a permit. Any permit issued under the provisions of this ordinance is subject to modification, suspension, or revocation in whole or in part during its term for cause including, but not limited to, the following:

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

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

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

(d) Refusal of reasonable access to the user's premise for the purpose of inspection and monitoring. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-109. Inspections, monitoring, and entry.** (1) Inspections, monitoring, and entry. (a) When required to carry out the objective of this ordinance, 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 ordinance;

(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.

(b) The water system manager shall require any industrial user to:

(i) Establish and maintain records;

(ii) Make reports;

(iii) Install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate;

(iv) Sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the water system manager shall prescribe;

(v) Provide such other information as the water system manager may reasonably require.

(c) Specific requirements under the provisions of subsection (b) of this section shall be established by the water system manager or the board, as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.

(d) The water system manager or his authorized representative, employees of the State of Tennessee, and employees of the Environmental Protection Agency shall, upon presentation of credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this ordinance are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.

(e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the water system manager by this ordinance, the water system manager shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this ordinance.

(f) Any user failing or refusing to perform any duty imposed upon the user under the provisions of this section or who denies the right to enter the user's premises for purposes of inspection, sampling, inspecting and copying records, or other such duties as may be imposed upon the user by this section, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this ordinance. A user who does not have an industrial waste discharge permit and denies the right to inspect as described herein is subject to having the sewer service in question terminated.

(2) Reports. (a) Progress reports. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the water system manager including, as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months lapse between such progress reports to the water system manager.

(b) Ninety (90) day compliance report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the water system manager a report containing the information described in § 18-108(3)(d) through (f). For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, this report shall include the users' actual production during the appropriate sampling period.

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the water system manager during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial users permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the water system manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the water system manager may agree to alter the months during which the above reports are submitted.

Those significant industrial users required to comply with BMPs shall submit an annual report to the water system manager during the month of December. This report shall contain the information described in § 18-107(7).

(ii) The water system manager, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration where requested by the water system manager, as applicable, of pollutants contained therein which are limited by the

applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the water system manager as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the water system manager by July 1, 1995.

All users who propose to discharge or who, in the judgment of the POTW, could now or in the future discharge wastewater with constituents and characteristics different from that produced by domestic premises may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewater. If sampling or metering equipment is also required by the POTW, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The POTW may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for POTW, State of Tennessee, or EPA personnel. There shall be ample room in or near such a facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit, according to the permit compliance schedule, an engineering report including detailed design plans and operating procedures to the water system manager for review in accordance with accepted engineering practices. The water system manager shall review the plans and other documents within thirty (30) days and shall recommend any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish

required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in 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 does not exist. Facilities for which historical sampling data is available, the water system manager may authorize a lower minimum.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be twenty-four (24) hour flow proportional composite samples, unless otherwise specified.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the water system manager. Any change in monitoring location will be subject to the approval of the water system manager.

(d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section 304(h) of the Act and contained in 40 C.F.R. part 136 and its amendments or with any other test procedure approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA or the water system manager.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the water system manager immediately by telephone. In the absence of the water system manager, notification shall be given to the POTW employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within five (5) days following such an occurrence, the user shall provide the water system manager 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 persons or

property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

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

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by § 18-107(5), by the industrial user.

(7) Notification of hazardous waste discharge. (a) On or before January 20, 1991, the user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is listed or characteristic waste under section 3001 of RCRA. Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following twelve (12) months. The notification must take place within one hundred eighty (180) days after the July 24, 1990 promulgation date of the domestic sewage study amendments to the pretreatment regulations. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of § 18-109(2).

(b) Dischargers are exempt from the requirement of this paragraph during a calendar month in which they generate no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.5(2), (f), (g), and (j). Generation of more than fifteen (15) kilograms of hazardous waste does not require additional notification, except for the acute hazardous wastes specified in 40 C.F.R. 261.5(3), (f), (g), and (j).

(c) In the case of new regulations under section 3001 or RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW of the discharge of such substance within ninety (90) days of the effective date of such regulations, except for the exemption in subsection (b) of this section.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the user has submitted initial notification under § 18-109(7).

(9) Provisions governing fraud and false statements. The reports required to be submitted under this section shall be subject to the provisions of 18 U.S.C. 1001 relating to fraud and false statements and the provisions of section 309(c)(4) and (6) of the Act, as amended, governing false statements, representation, or certification in reports required by the Act.

(10) Signatory requirements. The reports required by this section shall include a certification statement as follows:

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

The report shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by this section is a corporation. For the purpose of this paragraph, a responsible corporate officer is:

(i) A president, secretary, treasurer, or 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;

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting reports required by this section is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representative of the individual designated in subsection (a) of this section if:

(i) The authorization is made in writing by the responsible corporate officer.

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a person in position of equivalent responsibility or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (c) of this section 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 authorization satisfying the requirements of subsection (c) of this section must be submitted to the water system manager prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an industrial user indicates a violation, the user shall notify the water system manager 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 water system manager within thirty (30) days after becoming aware of the violation. The industrial user is not required to re-sample if one of the following criteria is met:

(a) The POTW performs sampling at the industrial user at a frequency of at least once per month.

(b) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in §§ 18-108(3) or 18-109(2) of this chapter monitors any pollutant more frequently than required by the water system manager using approved procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the water systems manager, if possible at least ten (10) days before the date of the bypass.

(b) An industrial user shall submit oral notice to the water system manager of an unanticipated bypass that exceeds applicable

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

(14) Maintenance of records. (a) Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with baseline monitoring reports. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (ii) The dates analyses were performed.
- (iii) Who performed the analyses.
- (iv) The analytical techniques/methods.
- (v) The results of the analyses.

(15) Retention period. Any industrial user subject to the requirements established in this section, including documentation associated with baseline monitoring reports, shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the water system manager, TDEC Director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the water system manager, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this section shall:

- (a) In the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition; and
- (b) Be available to the public to the extent provided by 40 C.F.R. part 232.

If, upon showing to the water system manager by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the water system manager has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the water system manager shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this chapter. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when

relevant in any proceeding under this chapter or other applicable laws. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-110. Enforcement.** (1) Enforcement response plan.<sup>1</sup> In order to apply enforcement actions toward violators of pretreatment permits or this sewer use ordinance in an efficient, objective and consistent manner, the enforcement response plan has been developed and is incorporated herein by reference. The enforcement response plan is intended as a guideline only and may be deviated from depending on the circumstances.

(2) Hearings. (a) Any hearing or re-hearing brought before the water systems manager and the Lexington Water Systems Board shall be conducted in accordance with the following:

(i) Upon receipt of a written petition from the alleged violator pursuant to this section, the water system manager shall give the petitioner ten (10) days' written notice of the time and place of the hearing.

(ii) The hearing provided may be conducted by the water systems manager and the Lexington Water Systems Board at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(iii) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to § 18-110(2)(a)(vi). The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the water systems manager to cover preparation fees.

(iv) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Henderson County shall have jurisdiction upon the application of the water systems manager to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.

(v) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further

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<sup>1</sup>The enforcement response plan is set out in its entirety in Appendix A of this code.

the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairperson.

(vi) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in § 18-110(10)(2)(b).

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

(viii) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure with the chairperson to rule on such matters as would require a ruling by the court under said rules.

(ix) The water systems manager shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the water systems manager, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(x) Any person aggrieved by an order or determination of the water systems manager, where an appeal is not otherwise provided by this section, may appeal said order or determination to be reviewed by the board under the provisions of this section. A written notice of appeal shall be filed with the water systems manager, and said notice shall set forth with particularity the action or inaction of the water systems manager complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the water systems manager on which is based the appeal until such time as the board has acted upon the appeal.

(xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.

(b) An appeal may be taken from any final order or final determination of the water systems manager or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made.

(3) Civil penalty. (a) Any person or user who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

(i) Violates any effluent standard or limitation imposed by a pretreatment program.

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

(iii) Fails to complete a filing requirement of a pretreatment program.

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

(v) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(vi) Violates a final determination or order of the board.

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

(i) The water systems manager may issue an assessment against any person or user responsible for the violation.

(ii) Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the water systems manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the water systems manager and the Lexington Water Systems Board. If a petition for review of the assessment is not filed within thirty (30) days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(iii) When any assessment becomes final because of a person's failure to appeal the water systems manager's assessment, the water systems manager may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Civil penalties will be assessed based on the following criteria:

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

(B) Damages to the POTW, including compensation for the damage or destruction of the facilities

of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.

(C) Cause of the discharge or violation.

(D) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.

(E) Effectiveness of action taken by the violator.

(F) The technical and economic feasibility of reducing or eliminating the discharge.

(G) The economic benefit gained by the violator.

(iv) The water systems manager may institute proceedings for assessment in the name of the Lexington Water Systems in the chancery court of the county in which all or part of the violation occurred.

(c) The Lexington Water Systems Board may establish, by regulation, a schedule of the amount of civil penalty which can be assessed by the water systems manager for certain specific violations or categories of violations.

(d) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues to occur.

(4) Assessment of noncompliance. (a) The water systems manager may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program.

(b) If an appeal from such assessment is not made to the water systems manager by the polluter or violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of this ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the POTW. The water systems manager shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within thirty (30) days, the water systems manager shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the person responsible refuses to pay, the water systems manager may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

(5) Judicial proceedings and relief. The water systems manager may initiate proceedings in the chancery court of the county in which the activities occurred against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any section of this ordinance, or any order of the water systems manager and/or board. In such action, the water systems manager may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Administrative enforcement remedies. (a) Notification of violation. When the water systems manager finds that any use has violated or is violating this chapter or a wastewater permit or order issued hereunder, the water systems manager or his agent may serve upon the user a written Notice of Violation (NOV). Within ten (10) days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the water systems manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

(b) Consent orders. The water systems manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (d) below.

(c) Show cause hearing. The water systems manager may order any user which causes or contributes to a violation of this ordinance, its wastewater permit, or any order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly

notified user appears as noticed, immediate enforcement action may be pursued.

(d) **Compliance order.** When the water systems manager finds that a user has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

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

(i) Comply with the order.

(ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) **Emergency termination of service.** When the water systems manager finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the water systems manager may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the water systems manager deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the water systems manager's order, the water systems manager may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The water systems manager may assess the person(s) responsible for the emergency condition for actual costs incurred by the water systems manager in meeting the emergency.

If the emergency action adversely affects the user, the water systems manager shall provide the user an opportunity to a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the water systems manager may take any such authorized action should the proof warrant such action.

(7) **Disposition of damage payments and penalties.** All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the Lexington Water Systems and allocated and

appropriated to the sewer system for the administration of its pretreatment program.

(8) Vandalism. Any and all damages incurred by the POTW due to acts of vandalism will be prosecuted to the full extent of the law. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-111. Wastewater volume determination.** (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the POTW shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the Lexington Water Systems and/or private meters installed and maintained at the expense of the user and approved by the Lexington Water Systems

(2) Wastewater volume. When charges and fees based upon water usage and/or discharge and where, in the opinion of the POTW, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the Lexington Water Systems.

The users may install a meter of a type and at a location approved by the Lexington Water Systems to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the water systems manager.

(3) Estimated wastewater volume. For users where, in the opinion of the Lexington Water Systems, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the water systems manager or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the POTW shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and process flows from users for the purposes of calculating charges based on process wastewater flows alone, users shall install a meter of a type and at a location approved by the POTW. For users where, in the opinion of the POTW, it is unnecessary or impractical to install such a meter, the volume of the domestic and process wastewater shall be based upon an estimate prepared by the user and approved by the POTW. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-112. Wastewater charges and fees.** (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the Lexington Water Systems which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act amendments. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program in order that sufficient revenues are collected to defray the POTW's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Types of charges and fees. The charges and fees established in the Lexington Water System's schedule of charges and fees may include, but not be limited to, the following:

- Sewer service line charges
- Tap fees
- Pretreatment program operating fees
- User charges
- Fees for monitoring requested by the user
- Fees for permit applications
- Fees based on wastewater characteristics and constituents
- Fees for discharge of holding tank wastes
- Inspection fees
- Industrial user permit fees

(3) Determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD <sub>5</sub>	300 mg/l
COD	600 mg/l
Suspended solids	300 mg/l
Ammonia-nitrogen	30 mg/l
Oil and grease	100 mg/l

The charges and fees for all users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that user as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, and flow volume.

(4) User charges. Each user of the POTW's sewer system will be levied a charge for payment of indebtedness of the Lexington Water Systems and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge may be levied against those users with

wastewater that exceeds the strength of normal wastewater as defined in this ordinance.

The user charge will be computed from a base charge plus applicable surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the Lexington Water Systems.

(a) Operation, Maintenance, and Replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula.

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

$C_u$	=	User's charge for OM&R per unit time.
$C_t$	=	Total OM&R costs per unit of time, less costs recovered from surcharges.
$V_t$	=	Total volume contribution from all users per unit time.
$V_u$	=	Volume contribution from individual user per unit time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User surcharges. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume of wastewater which exceeds the strength of BOD<sub>5</sub>, suspended solids, and/or other pollutants in normal wastewater as listed in § 18-112(3) of this chapter. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) \frac{8.24}{V_u}$$

Where:

$C_s$	=	Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.
$B_c$	=	OM&R cost for treatment of a unit of BOD <sub>5</sub> expressed in dollars per pound.

B	=	Concentration of BOD <sub>5</sub> from a user above the base level of 300 mg/l expressed in mg/l.
S <sub>c</sub>	=	OM&R costs for treatment of a unit of suspended solids expressed in dollars per pound.
S	=	Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.
P <sub>c</sub>	=	OM&R costs for treatment of a unit of any pollutants which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
P	=	Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the water systems manager.
V <sub>u</sub>	=	Volume contribution of a user per billing period in million gallons based on a 24 hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the POTW is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. This charge will be based on the user's proportional share of the costs of administering the POTW pretreatment program, which includes costs incurred by the POTW for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

C <sub>u</sub>	=	User's charge for POTW pretreatment program per unit time.
C <sub>t</sub>	=	Total POTW pretreatment program costs per unit time.
V <sub>t</sub>	=	Total volume contribution of permitted industrial users per unit of time.

$V_u$  = Volume contribution from a permitted industrial user per unit of time.

(5) Review of OM&R charges. The POTW shall review at least annually the wastewater contribution by users, the total costs of the OM&R of the treatment works, and its approved user charge system. The POTW shall revise the user charges to accomplish the following:

(a) Maintain the proportionate distribution of OM&R costs among users or classes of users.

(b) Generate sufficient revenue to pay the total OM&R costs of the treatment works.

(c) Apply any excess revenues collected to the costs of OM&R for the next year and adjust rates accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionally among all users of the treatment works.

(7) Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to OM&R charges.

(8) Billing. Wastewater charges imposed by this ordinance shall be added to, included in, and collected with the monthly water service bills, and shall be due and payable monthly. This shall not affect the right of the POTW to collect wastewater charges from customers who utilize private or public water supplies from other utilities and who discharge wastewater to the POTW.

(9) Collection. Wastewater charges and fees imposed by this ordinance shall be collected by the Lexington Water Systems in a manner established by the water systems manager.

(10) Delinquent accounts. The Lexington Water Systems may discontinue water service to any customer who has a delinquent wastewater charge until such wastewater charge has been paid, except as provided by state or local law.

(11) Adjustments. The Lexington Water Systems shall make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of utility meters, leaks, or other recognized adjustments. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-113. Administration.** (1) Lexington Water Systems Board. In addition to any other duty or responsibility otherwise conferred upon the board by this ordinance, the water systems manager and the Lexington Water Systems Board shall have the duty and power as follows:

(a) To recommend amendments or modifications to the provisions of this ordinance.

(b) To hold hearings upon appeals from orders of actions of the water systems manager as may be provided under the provisions of this ordinance.

(c) To hold hearings related to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating hereto.

(d) To hold other hearings that may be required in the administration of this ordinance and to make determinations and issue orders necessary to effectuate the purpose of this ordinance.

(e) To request assistance from any officer, agent, or employee of the Lexington Water Systems and to obtain any necessary information or other assistance.

(f) The board, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.

(g) The chairperson shall be authorized to administer oaths to people giving testimony.

(2) Water systems manager. (a) Water systems manager and staff. The water systems manager and his/her staff shall be responsible for the administration of all parts of this section.

(b) Authority of water systems manager. The water systems manager shall have the authority to enforce all sections of this ordinance. He/she shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The water systems manager shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the Lexington Water Systems.

(c) Records. The water systems manager shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.

(d) Notice of national pretreatment standards. The water systems manager shall notify users identified in 40 C.F.R. part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of section 204(b) of the Act (33 U.S.C. 1284), section 405 of the Act (33 U.S.C. 1345) or under the provisions of sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the water systems manager to notify users shall not relieve the users from the responsibility of complying with these regulations.

(e) Public participation notice. The water systems manager shall comply with the public participation requirements of 40 C.F.R. part 425 in the enforcement of national pretreatment standards. The water systems manager shall at least annually provide public notification in the

largest local newspaper of all industrial users which, during the previous twelve (12) months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, an industrial user is in significant violation if its violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 C.F.R. 403.3(1);

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 C.F.R. 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment standard or requirement as defined by 40 C.F.R. 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW 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 human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(v) Violation by ninety (90) days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

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

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the water systems manager considers to be significant.

(f) Regulations and standards. The water systems manager may promulgate rules, regulations, and design criteria not inconsistent with this ordinance and have them printed for distribution. These rules may include requirements for performing wastewater characterizations,

analysis, and other measurements by standard methods approved by the water systems manager.

(g) Sewer credits. The water systems manager shall approve secondary meters and determine other kinds of sewer use charge credits.

(h) Approves new construction. The water systems manager shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. of Jan. 2, 1996, as replaced by Ord. #200402, Feb. 2004, and Ord. #201101, March 2011)

**18-114. Validity.** (1) Conflict. All ordinances or parts of ordinances inconsistent with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

(2) Savings clause. If any provisions, paragraph, word, section, or article of the ordinance comprising this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force. (as added by Ord. #201101, March 2011)

## CHAPTER 2

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Violations.
- 18-211. Conflicts with other provisions.

**18-201. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. of July 7, 1981)

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<sup>1</sup>Municipal code references  
Sewer use: title 18.

**18-202. Standards.** The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. of July 7, 1981)

**18-203. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the water system manager of the Lexington Water Works or his representative. (Ord. of July 7, 1981)

**18-204. Statement required.** 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 water system manager of the Lexington Water Works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. of July 7, 1981)

**18-205. Inspections required.** It shall be the duty of the Lexington public water supply 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 frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the water system manager of the Lexington water works and as approved by the Tennessee Department of Health. (Ord. of July 7, 1981)

**18-206. Right of entry for inspections.** The water system manager of the Lexington water works or his authorized 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, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. of July 7, 1981)

**18-207. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the water system manager of the Lexington water works. (Ord. of July 7, 1981)

**18-208. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the water system manager of the Lexington water works or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the water system manager of the Lexington water works prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the water system manager of the Lexington water works shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the water system manager of the Lexington water works. (Ord. of July 7, 1981)

**18-209. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply shall

be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. of July 7, 1981)

**18-210. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the water system manager of the Lexington water works of the City of Lexington shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. of July 7, 1981)

**18-211. Conflicts with other provisions.** The provisions of this code, including the plumbing code of the Southern Standard Building Code which are in conflict with the provisions of this chapter, are hereby modified to the extent of the conflict. (Ord. of July 7, 1981)

**CHAPTER 3****ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, ETC.****SECTION**

- 18-301. Definitions.
- 18-302. Control plan for (FOG) and food waste.
- 18-303. General criteria.
- 18-304. Design criteria.
- 18-305. Grease interceptor maintenance.
- 18-306. Additives.
- 18-307. Sand, soil, and oil interceptors.
- 18-308. Laundries.
- 18-309. Control equipment.
- 18-310. Alteration of control methods.
- 18-311. Enforcement and penalties.
- 18-312. [Deleted.]

**18-301. Definitions.** (1) "FOG control equipment." (a) Grease interceptor. A structure or device for separating and removing greases and grease complexes prior to the wastewater exiting the interceptor and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the interceptor and entering the sanitary sewer collection and treatment system. These structures or devices are often below ground units in outside areas and are built as two (2) or three (3) chamber baffled tanks.

(b) Grease trap. Grease Control equipment identified as an "under the sink" trap, a small container with baffles, or a floor trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a twenty (20) gallon per minute/forty (40) pound capacity trap. All grease traps will have flow control restrictor and venting.

(2) "Food service facilities." Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the city's wastewater department manager or his representative. Food service establishments will be classified as follows:

Class 1: Deli - engaged in the sale of cold cut and microwavable sandwiches/subs with no frying or grilling on site. FOOD SERVICE ESTABLISHMENTS preparing and serving specialty snacks such as ice cream, frozen yogurt, cookies, popcorn, coffee, juices, or sodas for consumption on or near the premises. FOOD SERVICE ESTABLISHMENTS primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or non motorized carts.

Class 2: Limited service food service establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating. Food and Drink may be consumed on premises (a.k.a. fast food establishments) and caterers as defined as FOOD SERVICE ESTABLISHMENTS primarily engaged in providing single event-based food services. These establishments generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site.

Class 3: Full service restaurants are defined as FOOD SERVICE ESTABLISHMENTS primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress services) and pay after eating. Buffet and cafeteria establishments are defined as FOOD SERVICE ESTABLISHMENTS known as cafeterias, buffets, or grill buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service non alcoholic beverage dispensing equipment.

Class 4: Institutions (schools, hospitals, prisons, etc.).

(3) "Grease (FOG)." Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and, grease shall be deemed as grease by definition. Grease does not include petroleum base products. These substances are detectable and measurable using analytical procedures established in the Environmental Protection Agency Code of Federal Regulations 40 CFR 136.

(4) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water is required. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the wastewater department manager or his representative.

(5) "User." Any person or establishment including those located outside the jurisdictional limits of the city who contributes, causes, or permits the contribution or discharge of wastewater into the city's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-302. Control plan for (FOG) and food waste.** (1) Any new construction, renovation, or expansion of food service facilities shall be required to submit to the city a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

The plan shall be approved by the wastewater department manager, or designee, before completion of construction. Upon completion of construction, notice of same shall be given to the wastewater department manager and a final inspection will follow.

(2) Any existing food service establishments shall also be required to submit a FOG and food waste control plan, within thirty (30) days from passage of this ordinance that will effectively control the discharge of undesirable materials into the wastewater collection system. After approval of the submitted plan by the wastewater department manager or his designee, the approved plan must thereafter be implemented within ninety (90) days from the date of notice of approval. Existing food service establishments that are classified under one of the classifications listed under the definitions section of this chapter will be required to have the following FOG removal equipment:

Grease control equipment sizing:

Minimum acceptable size of grease control equipment for each FOOD SERVICE ESTABLISHMENTS Classification will be as follows:

Class 1: Deli, Ice Cream shops, Beverage Bars, Mobil Food Vendors  
20gpm/40 pound Grease Trap or a larger in floor trap

Class 2: Limited Service Restaurants/Caterers  
1000 gallon Grease Interceptor

Class 3: Full Service Restaurants, Buffet and Cafeteria Facilities  
1000 gallon Grease Interceptor

Class 4: Institutions (Schools, Hospitals, Prisons, etc.)  
2000 gallon Grease Interceptor

Existing food service establishments that have FOG removal equipment in place will be monitored on an individual basis to determine if the removal equipment is adequate and if additional actions or equipment is needed to properly remove the FOG and prevent the FOG from entering the city's sewer collections lines. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-303. General criteria.** (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the City of Lexington

wastewater service area shall be required to install, at the user's expense an approved, properly operated and maintained grease interceptor in a timely manner as set forth above. Users whose systems are deemed to be ineffective by the wastewater department manager or his representative shall be asked to increase the size of the system.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease interceptor. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease interceptor. The use of grinders is discouraged since it decreases the operational capacity of the grease interceptor and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers must be connected to the grease interceptor. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease interceptor. Interceptors must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the interceptor.

(6) Location. Grease interceptor shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed inside any part of a building without written approval by the wastewater department manager, or his representative.

(7) Pass through limits. No user shall allow wastewater discharge concentration from grease interceptor to exceed one hundred (100) mg/L (milligrams per liter) as identified by EPA method 1664. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-304. Design criteria.** (1) Construction. Grease interceptors shall be constructed in accordance with the City of Lexington's standards and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the wastewater department manager or his representative. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(2) Access. Access to grease interceptors shall be available at all times, to allow for their maintenance and inspection. Access to interceptor shall be provided by two (2) manhole openings (one on each compartment) terminating at finished grade with cast iron frame and cover.

(3) Load-bearing capacity. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas)

(4) Inlet and Outlet piping. Wastewater discharging to a grease interceptor shall enter only through the inlet pipe of the interceptor. Each grease interceptor shall have only one inlet and one (1) outlet pipe. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-305. Grease interceptor maintenance.** (1) Cleaning/pumping.

(a) The user at the user's expense shall maintain all grease interceptors to assure proper operation and efficiency and maintain compliance with the city's pass-through limits. Maintenance of grease interceptor shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler.

(b) Decanting or discharging of removed waste back into the interceptor from which it was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(c) This service shall also include a thorough inspection of the interceptor and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

(2) Cleaning/pumping frequency. (a) The grease interceptor must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined when accumulations of FOG and settled solids reach twenty-five percent (25%) of the grease interceptor's overall liquid depth/ existing food service establishment's that currently pump their grease interceptor more frequently than the four (4) month frequency shall maintain their current pumping frequency.

(b) Under the sink traps will be cleaned completely of fats, oils, grease and food solids at a minimum of every two (2) weeks. If the FOG and food solids content of the grease trap is greater than fifty percent (50%), then the grease trap must be cleaned once per week, or as frequently as needed.

(c) In floor grease traps sized at a flow rate of one hundred (100) gallon per minute, two hundred (200) pound with a volume of one hundred fifty (150) gallons or larger will be cleaned completely of fats, oils, grease and food solids at a minimum of once every four (4) months. If the FOG and food solids content of the grease trap is greater than fifty percent (50%), then the grease trap must be cleaned as frequently as needed.

(3) Disposal. (a) All waste removed from each grease interceptor must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the city's sanitary sewer collection system.

(b) All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

(4) Maintenance log. A grease interceptor cleaning/maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the wastewater department manager or his representative upon request.

(5) Submittal of records. Each user shall submit all cleaning and maintenance records to the wastewater department manager or his representative. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number;
- (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease interceptor;
- (c) Types of maintenance performed;
- (d) Dates maintenance was performed;
- (e) Date of next scheduled maintenance;
- (f) Copies of manifests.

The user shall be required to submit maintenance records to the wastewater department manager or his representative on a biannual basis (twice per year). Records shall be submitted by March 31st and September 30th of each year.

The records shall be submitted to:

Lexington Water System  
Attn. Wastewater System Manager  
54 Monroe Ave.  
Lexington, Tennessee 38351

The wastewater department manager or his representative will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the wastewater department manager or his representative, the user shall be required to perform the maintenance and records of said maintenance within fourteen (14) calendar days. Upon inspection by the wastewater department manager or his representative the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-306. Additives.** (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria.

(2) The use of additives is prohibited with the following exceptions:

(a) Additives may be used to clean the FSE drain lines but only in such quantities that it will not cause fats, oils and grease to be discharged from the grease control equipment to the sewer system, or cause temporary breakdown of FOG that will later recondense in the downstream sewer system.

(b) Microorganisms, typically cultured bacteria are added to the interceptor. Ideally these bacteria digest the FOG converting it to innocuous substances. Microorganisms are not prohibited as an additive. However, since bacteria need an environment with specific requirements to proliferate, the effectiveness of these organisms in the environment of the interceptor is not known.

(c) Use of any bacteria additive must be approved by the wastewater department manager or his representative prior to use.

(d) The use of approved additives will in no way be considered as a substitution to the maintenance, pumping and cleaning procedures required herein. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-307. Sand, soil, and oil interceptors.** All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the wastewater department manager or his representative) that have sources of sand, soil, and oil shall install effective sand, soil and oil interceptors, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the wastewater department manager or his representative shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system.

Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the wastewater department manager or his representative. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-308. Laundries.** Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental

to the system. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-309. Control equipment.** The equipment or establishments installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the Southern Plumbing Code, the Tennessee Department of Environment and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the wastewater department manager or his representative. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

If the City of Lexington is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the city including any fines incurred due to any sanitary sewer overflow due directly to the stoppage.

The city retains the right to inspect and approve any and all installations of control equipment. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-310. Alteration of control methods.** The City of Lexington, through the wastewater department manager or his representative, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-311. Enforcement and penalties.** Any person who violates this chapter, in part or in whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the City of Lexington's Sewer Use Ordinance Enforcement Response Plan. Each day's violation of this chapter shall be considered a separate offense. (as added by Ord. #200701, Feb. 2007, and replaced by Ord. #200902, March 2009)

**18-312. [Deleted.]** (as added by Ord. #200701, Feb. 2007, and deleted by Ord. #200902, March 2009)

## CHAPTER 4

### ADJUSTMENT POLICY

#### SECTION

18-401. Adjustment policy.

**18-401. Adjustment policy.** (1) Definitions for terms used in this policy:

(a) Base month - The highest water usage month by the customer during the twelve (12) months prior to the leak.

(b) Cost of water - The average annual cost per thousand for

(i) The purchase of water from BRWDA,

(ii) The cost of the chemicals to treat the water and

(iii) The cost for the electricity at the water filter plant.

This cost shall be set as of the 1st of July each year based on the cost of water purchased from BRWDA, cost for treatment plant electricity and cost of chemicals to treat water.

(c) Major leak - A leak resulting in an increase of one hundred dollars (\$100.00) or more over the highest water usage bill during the twelve (12) months prior to the leak.

(2) Bills for meters with uncommonly high readings due to a major leak will be adjusted down to the amount of the base month plus the cost of water for the excess amount over the base month usage.

(3) Customer must sign a statement explaining what the problem was and what action they took to correct it. Adjustment will be made if the customer can provide a receipt for material and/or labor showing the leak has been repaired by a licensed plumber. If the customer personally made the repair and is unable to provide a receipt, the leak must be verified by a LWS Service Tech.

(4) Only one (1) major leak adjustment will be permitted within a twelve (12) month consecutive period unless approved by the Lexington Water Systems Board. Exception would be a leak covering a two (2) month period due to the leak occurring during the end of one billing cycle but discovered and repaired during the next.

(5) For accounts that qualify for a water adjustment and are also on city sewer, the corresponding sewer bill will be adjusted down to the highest bill from the twelve (12) months immediately prior to the leak.

(6) Meters changed-out during the reading cycle will require adjustments.

(7) If a meter cannot be read due to various abnormal circumstances, the reading will be estimated and then adjusted (up or down) once an accurate reading can be obtained.

(8) Sewer adjustments for lawn watering and filling swimming pools will not be permitted. Customers should obtain a "lawn meter" to eliminate these sewer charges.

(9) An "adjustment request" form shall be completed and approved (signed off on) by the general manager or his/her designee prior to an adjustment being made. All information from the customer and the department pertaining to the adjustment shall be attached to the form. ONLY authorized personnel can enter adjustments into the system.

(10) Circumstances or situations not met by this policy shall go before the Lexington Water Systems Board for action. No adjustment shall be made in excess of the cost of the water to LWS as defined in item (1).

(11) All information pertaining to adjustments will be retained for a minimum of five (5) years.

(12) Excessive water use due to malfunctions of an automatic livestock waterer shall not qualify for an adjustment under this policy. (as added by Ord. #201206, May 2012, and amended by Ord. #201801, Jan. 2018)