

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER SERVICE IN GENERAL.
2. [Deleted.]²
3. SEWER USE.
4. CONSERVATION OF WATER.
5. SEWAGE AND HUMAN EXCRETA DISPOSAL.
6. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
7. [DELETED.]
8. WASTEWATER PRETREATMENT ORDINANCE.

CHAPTER 1

WATER SERVICE IN GENERAL

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Permit, non-refundable connection fee, and phase-out of deposit system.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water main extensions.
- 18-108. Variances from and effect of preceding section as to extensions.
- 18-109. Meters.
- 18-110. Faulty meters.
- 18-111. Schedule of rates.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.

¹Municipal code references
Building, utility, etc. codes: title 12.
Refuse disposal: title 17.

²Deleted by Ord. #98-7, May 1998, combined Red Boiling Springs Water, Red Boiling Springs Sewer, and the Willette Utility Department into one entity to be known as the City of Red Boiling Springs Utilities. For specific details see Ord. #98-7, of record in the office of the city clerk.

- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Prohibition of use of lead.
- 18-129. Transfer fee.
- 18-130. Adjustment for leaks in billing.
- 18-131. Qualified and certified operator(s) required.
- 18-132. Charges for service calls.
- 18-133. Extension of customer water lines.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1980 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(3) "Household" means any two (2) or more persons living together as a family group.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(5) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box. (1980 Code, § 13-102)

18-103. Obtaining service. Both a written application and a written contract must be completed, submitted and signed by all new customers and those who must be re-connected to the system, and must be approved by the city before connection, re-connection or meter installation orders will be issued and work performed. (1980 Code, § 13-103; Ord. #98-4, May 1998)

18-104. Permit, non-refundable connection fee, and phase-out of deposit system. Each customer shall, before connecting with the system, obtain a permit therefore from the city clerk and shall pay an administrative non-refundable fee of \$50.00 for residents located inside the corporate city limits of the City of Red Boiling Springs, and a fee of \$100.00 for service located outside the corporate city limits of the City of Red Boiling Springs, Tennessee.

Any current customer who already has any sum of money on deposit with the city shall not be required to pay this non-refundable connection fee for so long as they continue to obtain uninterrupted service from the city. The deposit of such customers shall continue to serve as security for the prompt payment of all accounts of the customer with the system, which deposit shall be returned to the customer upon termination of the services if all charges due the system have been paid. In the event that the customer becomes in arrears in such charges, then such a deposit shall be used in whole or in part in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a customer becoming in arrears in charges, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge. Existing deposits shall be eliminated as they are refunded. (1980 Code, § 13-104, as amended by Ord. #98-8, May 1998, and Ord. #13-4, June 2013)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water service. (1980 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from the water main to the property line, at the expense of the applicant, for service. The location of such line shall be determined by the city.

Before a new service line will be laid, the applicant shall pay a fee in accordance with the schedule of the city.

(1) The use of water within the municipality: a three-fourths inch (¾") tap shall be seven hundred fifty dollars (\$750.00). The connection fees for laying a service line at a location outside the city limits shall be a minimum of one thousand dollars (\$1,000.00) plus an additional sum sufficient to cover the actual cost of laying the service line in the event the actual cost is more than one thousand dollars (\$1,000.00). Notwithstanding any foregoing provision to the contrary, there shall be added to the tapping a connection fee an additional cost of ten dollars (\$10.00) per foot in the event any boring under a road is required in the laying of a service line for an applicant located either inside or outside the city limits.

- (a) One inch (1") tap shall be \$1,000.00.
- (b) Two inch (2") tap shall be \$1,500.00.

- (2) Connections made for use of water outside the municipality:
 - (a) One inch (1") tap shall be \$1,500.00.
 - (b) Two inch (2") tap shall be \$2,500.00.

The city utility department reserves the right to down size a two inch (2") meter if it is determined the flow through the two inch (2") meter is inadequate to make the meter register properly. The municipality shall be responsible for the maintenance and upkeep of said service line from the main to and including the meter and the meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1980 Code, § 13-106, as amended by Ord. #98-8, May 1998, and Ord. #99-6, May 1999, replaced by Ord. #12-9, Oct. 2012, and amended by Ord. #14-2, May 2014)

18-107. Water main extensions. Persons desiring water main extensions must pay all the cost of making such extensions.

For water main extensions, cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the city council), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement lined cast iron pipe (or other construction approved by the city council) four (4) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions, eight-inch pipe of vitrified clay or other construction approved by the city council shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons paying the cost of constructing such water mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water system and shall furnish water service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1980 Code, § 13-108, as amended by Ord. #01-6, Sept. 2001)

18-108. Variances from and effect of preceding section as to extensions. Whenever the city council is of the opinion that it is to the best interest of the city and its inhabitants to construct a water main extension

without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make water main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1980 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the city. The city shall, within a reasonable amount of time, adopt by resolution a meter exchange program which will require that the city verify all meters in the system are being accurately read and billed. All meters that do not register accurately shall be repaired or replaced as soon as possible, as required by § 18-110. To assist the city in carrying out the meter exchange program, the city shall obtain proposals from leak detection company(ies).

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around the meter without the passage of such water being registered fully by the meter. (1980 Code, § 13-110; as amended by Ord. #98-5, May 1998)

18-110. Faulty meters. In the event any meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible and the bill for water used during the current period shall be the average of the last three monthly bills. (1980 Code, § 13-111)

18-111. Schedule of rates. The following shall be the schedule of monthly charges effective July 1, 2015, for water service furnished to premises located inside of the corporate limits of the City of Red Boiling Springs, to wit:

<u>GALLONS</u>	<u>AMOUNT</u>
First 2,000 gallons	\$11.68 minimum bill
Over 2,000 gallons	\$5.72 per 1,000 gal.

The following shall be the schedule of monthly charges effective July 1, 2015, for water service furnished to premises located outside of the corporate limits of the City of Red Boiling Springs, to wit:

<u>GALLONS</u>	<u>AMOUNT</u>
First 2,000 gallons	\$17.54 minimum bill

Over 2,000 gallons \$8.58 per 1,000 gal.

The following shall be the schedule of monthly charges effective July 1, 2015, for water service provided by the City of Red Boiling Springs for commercial and industrial service, to wit:

<u>GALLONS</u>	<u>AMOUNT</u>
Each 1,000 gal. for first 2,000,000 gallons	\$7.48 per 1,000 gal.
Each 1,000 gal from 2,000,000 to 5,000,000 gallons	\$8.98 per 1,000 gal.
Each 1,000 gal over 5,000,000 gallons	\$10.78 per 1,000 gal.

(1980 Code, § 13-112, as replaced by Ord. #223, § 1, Dec. 1995, amended by Ord. #98-9, June 1999, Ord. #99-8, Aug. 1999, Ord. #99-10, Dec. 1999, Ord. #01-5, July 2001, Ord. #06-1, April 2006, Ord. #08-12, Jan. 2009, replaced by Ord. #10-9, Oct. 2010, and amended by Ord. #13-2, July 2013, Ord. #14-3, June 2014, and Ord. #15-3, June 2015)

18-112. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1980 Code, § 13-113)

18-113. Billing. Bills for residential water service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Failure to receive a bill will not release a customer from payment obligation.

The customer shall have fifteen days from the date his bill was mailed within which to pay his bill without a penalty. If not paid within said fifteen day period, then a penalty of ten per cent (10%) thereon shall at once accrue.

If the bill is not paid within twenty-five days from the date the bill was mailed, the customer's water service shall be discontinued. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1980 Code, § 13-114)

18-114. Discontinuance or refusal of service. The city shall have the right to discontinue water service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1980 Code, § 13-115)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of \$50.00 for customers inside the corporate limits of the City of Red Boiling Springs, and \$100.00 for customers outside the corporate limits of the City of Red Boiling Springs, shall be collected by the city before service is restored and the account must be paid in full. (1980 Code, § 13-116, as amended by Ord. #98-8, May 1998, and Ord. #01-3, May 2001, and replaced by Ord. #13-5, June 2013)

18-116. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1980 Code, § 13-117)

18-117. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1980 Code, § 13-118)

18-118. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1980 Code, § 13-119)

18-119. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1980 Code, § 13-120)

18-120. Customer's responsibility for violations. Where the city furnishes water service to a customer, such customer shall be responsible for all

violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1980 Code, § 13-121)

18-121. Supply and resale of water. All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1980 Code, § 13-122)

18-122. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1980 Code, § 13-123)

18-123. Limited use of unmetered private fire line.¹ Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence.

No private fire protection service shall be furnished free of charge to any customer. (1980 Code, § 13-124)

18-124. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1980 Code, § 13-125)

18-125. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.

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

¹See Ord. #33, § 1, for automatic sprinkler system charges.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1980 Code, § 13-126)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1980 Code, § 13-127)

18-127. Interruption of service. The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1980 Code, § 13-128)

18-128. Prohibition of use of lead. All pipe, solder, or flux which is used in the installation or repair of any plumbing, in a residential or non-residential facility, which provides water for human consumption and is connected to the city's water system shall be lead free. "Lead free" means:

(1) When used with respect to solder or flux, a solder or flux containing not more than two-tenths of one percent (0.2%) lead; or

(2) When used with respect to pipe or pipe fitting, a pipe or pipe fitting containing not more than eight percent (8.0%) lead. Nothing herein shall be construed to require any residential or non-residential facility to remove or replace any piping or plumbing, installed prior to March 18, 1988, except as may be necessary in making a repair. (1980 Code, § 13-129)

18-129. Transfer fee. There shall be a non-refundable fee for transfer of service from any person, individual, firm, business, industry or corporation who receives service from the city under either an expressed or implied contract. Said transfer fee shall be \$25.00 for all customers inside the corporate limits of the City of Red Boiling Springs, and \$35.00 for any and all customers outside the corporate limits of the City of Red Boiling Springs. (Ord. #98-8, May 1998)

18-130. Adjustment for leaks in billing. If a customer has a leak in the part of the system required to be maintained by the customer, as set forth herein, the customer will be allowed only one leak adjustment within each twelve (12) month period, providing the customer shall provide satisfactory proof that the leak has been repaired. Whether or not the customer has produced satisfactory proof that the leak has been repaired shall be determined in the sole discretion of RBS Utilities and/or the city. The bill for usage during the current period of adjustment shall be the average of the last three (3) monthly bills. Notwithstanding any provision to the contrary, the customer shall be allowed more than one (1) billing adjustment if necessary to adjust for the herein allowed leak adjustment. (Ords. #98-6, May 1998, as amended by Ord. #00-8, Sept. 2000)

18-131. Qualified and certified operator(s) required. The city shall hire and maintain qualified and certified operator(s) for the system. Said operators shall meet all requirements for qualifications, as established by the appropriate state agencies, departments, laws and/or regulations. (Ord. #98-2, May 1998)

18-132. Charges for service calls. Whenever the city responds to a service call to the water department, the customer to whom the response is made shall be charged \$15.00 in the event the customer's premises, to which water service is provided, is located inside of the corporate limits of the City of Red Boiling Springs and shall be charged \$25.00 in the event the customer's premises, to which water service is provided, is located outside of the corporate limits of the City of Red Boiling Springs, provided the problem for which the service call was made was not caused by any act or omission of the city in its operation, maintenance or construction of the water utilities and services or by normal usage of the water utilities by the customer. (as added by Ord. #00-4, March 2000)

18-133. Extension of customer water lines. The extension of all water lines supplementing the water mains used to supply water service from the water mains to the customers shall require the installation of a pipe with a minimum four (4) inch diameter. This minimum installation requirement shall apply to the extension of all water lines which do not constitute a main line. All other requirements for pipes and water lines under the municipal code shall likewise be applicable to any such extensions. (as added by Ord. #01-6, Sept. 2001)

CHAPTER 2

WATER SERVICE THROUGH WILLETTE UTILITY DEPARTMENT

Deleted by Ord. #98-7, May 1998.

CHAPTER 3

SEWER USE

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Connection to public sewers.
- 18-305. Prohibitions and limitations on wastewater discharge.
- 18-306. Control of regulated wastes.
- 18-307. Wastewater sampling and analysis.
- 18-308. Industrial self-monitoring requirements.
- 18-309. Enforcement procedures.
- 18-310. Permits.
- 18-311. Provision of service.
- 18-312. User charge.
- 18-313. Industrial waste surcharge.
- 18-314. Validity.
- 18-315. Sewer connection fees.
- 18-316. Schedule of rates for sewer service.
- 18-317. Truck and recreational vehicle discharge fees.
- 18-318. Transfer fee.
- 18-319. Non-refundable connection fee for sewer use.
- 18-320. Adjustment for leaks in billing.
- 18-321. Qualified and certified operator(s) required.
- 18-322. Enforcement Response Plan Red Boiling Springs Tennessee.
- 18-323. EPA compliance.

18-301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approval authority" or "approving authority" shall mean the State of Tennessee, Department of Environment and Conservation, Pretreatment section.

(3) "A.S.T.M." is the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

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

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

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

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

(5) "BOD" of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association.

(6) "Building sewer" A sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards" shall mean the National Pretreatment Standards.

(8) "Cooling water" shall mean the water discharge from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(9) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria; plus any additional pollutant identified in a publicly owned treatment works NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants, and, in fact, does remove such pollutants to a substantial degree.

(10) "C" means centigrade degrees.

(11) "Customer" shall mean any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water and sewerage service or who are utilizing the water and/or sewerage system of the City of Red Boiling Springs.

(12) "City" shall mean the City of Red Boiling Springs or the City Council of Red Boiling Springs.

(13) "Control authority" shall mean the City of Red Boiling Springs or any authorized representative, once its pretreatment program is approved by the State of Tennessee.

(14) "Public works director." The city's sewage treatment plant operator and/or superintendent.

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

(16) "EPA" shall mean the United States Environmental Protection Agency.

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

(18) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

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

(20) "Incompatible waste" shall mean all pollutants other than compatible waste as defined within.

(21) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(22) "Industrial discharger." For the purposes of this chapter and related documents shall mean industrial user.

(23) "Industrial user" shall mean a source of indirect discharge which does not constitute a discharge of pollutants under regulation issued pursuant to Section 402, of the Act.

(24) "Industrial wastewater" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(25) "Interference" shall mean the inhibition or disruption of sewer treatment system process or operations of which contribute to a violation of any requirement of the city's NPDES permit.

(26) "May" is permissive; "shall" is mandatory.

(27) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the control authority.

(28) "Mg/l" shall mean milligrams per liter.

(29) "National pretreatment standard or pretreatment standards" shall mean any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with Section 307(b) and (c) of the Act which applies to the industrial users.

(30) "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(31) "NPDES permit" shall mean the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(32) "New source" shall mean an industrial source that began construction after the publication of the proposed pretreatment standards for that industrial category.

(33) "Pass through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or 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).

(34) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate,

government entity, or other legal entity, or legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(35) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

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

(37) "Pretreatment" shall mean the treatment of wastewater by the user before introduction into the publicly owned system.

(38) "Pretreatment standards" shall mean all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500.

(39) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles have a dimension no greater than ½ inch which will be carried freely under the flow conditions normally prevailing in public sewers.

(40) "Publicly owned treatment works, or POTW" means the treatment works, owned by the city, as defined by Section 212 of the Federal Water Pollution Control Act (the "Act"), also know as the Clean Water Act; and includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature; and also includes sewers, pipes and other conveyances that convey wastewater to the treatment plant. The term also means the city in its capacity as a municipality as defined in Section 502 (f) of the Act, which has jurisdiction over the introductions of pollutants from any non-domestic source regulated under Section 307(b), (c), and (d) of the Act to, and the discharges from such a treatment works.

(41) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(42) "Sewer use ordinance" means this chapter, to wit: Chapter 3, title 18, of the Red Boiling Springs Municipal Code as amended.

(43) "Shall" is mandatory: "May" is permissive.

(44) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(45) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of Red Boiling Springs for sewage disposal purposes.

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

(a) Has a discharge flow of 25,000 gallons or more per average work day, or

(b) Has a flow greater than 5% of the flow in the city's wastewater treatment system, or

(c) Has in his wastes toxic pollutants as defined in subsection (51) is found by the city, the approval authority or the Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

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

(48) "Standard Industrial Classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(49) "Standard methods" shall mean Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

(50) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(51) "Suspended solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

(52) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the Administrator or Environmental Protection Agency under the provisions of 33 USC 1317.

(53) "Treatment works" shall mean any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extensions; improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for the ultimate disposal

of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.

(54) "TKN" of sewage or industrial waste shall designate its Total Kjeldahl Nitrogen content. The quantity of TKN shall be determined by one of the acceptable methods described in latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

(55) "Twenty-four hour flow proportional composite sample" shall mean a sample consisting of several sample portions collected during a twenty-four hour period in which the portions of the sample are proportional to the flow and combine to form a representative sample.

(56) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(57) "User" means any person discharging wastes to the City of Red Boiling Springs Sewerage Facilities.

(58) "Waste" shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(59) "Wastewater" shall mean domestic, commercial and industrial wastewaters discharged to the City of Red Boiling Springs Sewerage Facilities together with any groundwater, surface water, and stormwater that may be present.

(60) "WPCF" is the Water Pollution Control Federation, 601 Wythe Street, Alexandria, VA 22314-1994.

Terms not otherwise defined herein shall be defined as shown in the latest edition of Standard Methods or other appropriate Federal or State Guidelines and Regulations. (1980 Code, § 13-301, as amended by Ord. #04-10, Dec. 2004)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Red Boiling Springs, or in any area under the jurisdiction of said city, any human or animal excrement, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Red Boiling Springs, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where a federal or state discharge permit has been duly issued and is currently valid for such discharge.

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

(4) The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes, which abut upon a street, road, right-of-way or other public way containing a public sanitary or combined sewer, or which have such sewer passing through or sufficiently close to such property that such property can be serviced by such sanitary sewer, shall upon demand by the city install suitable toilet facilities therein and connect the same directly with the proper treatment works in accordance with the provisions of this chapter and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health. However, where such waiver is granted, such owner, tenant or occupant shall, nonetheless, be required to pay to the city the regular monthly sewer charge that would have been due from such user based upon water usage, based upon the city making sewer service available to such premises. In addition to any other method of enforcing this requirement, the city may refuse water service to such owner, tenant or occupant until there has been compliance and may discontinue water service to an owner, tenant or occupant failing to comply within thirty (30) days after notice to comply.

(5) Direct service connections made to the city's sewerage system shall be made only by persons duly authorized by the city.

(6) The sewers are constructed for the purpose of transporting sewage - not storm water. Any customer of the sewerage system shall be responsible for the integrity of the pipes on his property which connect to the sewerage system. If it is determined that the pipes owned by the customer are faulty and in a bad state of repair, such that extraneous storm water can enter the sewerage system, the city may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, water service shall be terminated, and the customer held responsible for the resulting public health problems.

(7) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the director of public works or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the director. The owners of such

vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the director for violation of any provision of this section or reasonable regulation established by the director. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The director shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in 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 thereto. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall provide a bond in an amount sufficient to cover his potential liability for violating his permit.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (1980 Code, § 13-302)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, or where such is otherwise permitted by city ordinance or regulations. (1980 Code, § 13-303)

18-304. Connection to public sewers. (61) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters,

except where suitable treatment has been provided in accordance with subsequent provisions of this section.

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

(d) Except as provided in paragraph (1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section, within forty-five (45) days after date of official notice to do so, provided that said public sewer is within two-hundred (200) feet of the building drain as defined herein.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains a National Pollution Discharge Elimination System ("NPDES") permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of paragraph (1)(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of part (3) of this section.

(62) Physical connection with public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the public works director as required by § 18-310 of the municipal code.

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

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, whereupon, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the

public works director to meet all requirements of this section. All others must be sealed to the specifications of the public works director.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be four (4) inches.

(ii) The minimum depth of a building sewer shall be eighteen (18) inches.

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing "full" of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe with leaded or compression joints;

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the public works director. Under no circumstances shall cement mortar joints be acceptable.

(vi) A clean-out shall be located five (5) feet outside of the building; one as it taps on to the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional clean-outs shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Clean-outs shall be extended to or above the finished grade level directly above the place where the clean-out is installed. A "Y" (wye) and 1/8 bend shall not be used for this clean-out base. Clean-outs shall not be smaller than four (4) inches on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made to the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing

public sewer and installing a tee-saddle or tee-insert of a type approved by the public works director. All such connections shall be made gas-tight and water-tight.

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

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

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

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

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

(63) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered by the public works director or his authorized representative.

(b) The applicant for discharge shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his representative.

(64) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as decided necessary by the public works director to meet specifications of the city. (1980 Code, § 13-304, as replaced by Ord. #00-12, Jan. 2001)

18-305. Prohibitions and limitations on wastewater discharge.

(1) Prohibitions on wastewater discharge. No person shall discharge or cause to allow to be discharged into the City of Red Boiling Springs sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease. Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the system.

(b) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(c) Noxious materials. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(d) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles are ½ inch or less and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(e) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(f) Solid or viscous wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials

include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(g) Excessive discharge rate. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(h) Toxic substances. Any toxic substances, chemical elements or compounds, phenols or other waste, or odor-producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works in concentrations which would cause the POTW to exceed its NPDES permit limits.

(i) Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the sewerage facilities.

(j) Discolored materials. Wastes with objectionable color not removable by the treatment process.

(k) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of (6) to (9). Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and flouride compounds and substances which will react with water to form acidic products.

(l) Thermal discharge. Heat in amounts which will prohibit biological activity in the POTW or cause damage to the sewerage system resulting in interference, but in no case heat in such quantities that the temperature at the point of discharge exceeds 40 degrees centigrade (104°F). A higher temperature may be allowed in the users wastewater discharge permit.

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

(n) Rate. Any pollutant, including oxygen demanding pollutants, released at a rate which will cause interference.

(2) Limitation on wastewater discharges. (a) No person shall discharge or convey or cause to be discharged or conveyed to the public

sewer any wastewater containing pollutants of such character or quantity that will:

(i) Not be amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(ii) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.

(iii) Violate the federal pretreatment standards.

(iv) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Environment and Conservation Permit, or other applicable receiving water standards.

(v) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the control authority.

(b) No trucked or hauled pollutants shall be placed in the sewer system except at a discharge point designated by the city.

(c) If the wastewater influent to the treatment plant creates adverse effects, or interferes with any wastewater treatment or collection processes, creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards, the control authority shall establish industrial wastewater effluent limits as deemed necessary up to the following maximum concentrations. Furthermore, the control authority shall have the authority to add to the list. Presently limits for certain parameters have been set as protection criteria for the POTW. These limits are influent concentrations to the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in § 18-310 of this chapter. The protection criteria is as follows. (1980 Code, § 13-305)

18-306. Control of regulated wastes. (1) Regulatory actions. If wastewaters containing any substance in excess concentrations as described in § 18-305 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Red Boiling Springs or to any sewer system tributary thereto, the city shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the city.

(c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations or federal pretreatment standards and any other

applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.

(d) Require the person or, discharger making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the sewerage facilities. Nothing herein authorizes discharges, otherwise prohibited, upon payment of cost therefore.

(e) Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of Red Boiling Springs, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of the control authority.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the control authority so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

(5) Monitoring and analysis. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 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 control authority within 30 days after becoming aware of the violation.

(6) Right of entry. Agents of the City of Red Boiling Springs, the Tennessee Department of Environment and Conservation and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing.

(7) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

The following information is considered "effluent data" under 40 CFR Part 2 of EPA's regulations and must always be available to the public:

(a) General description of the location and nature of the source to the extent necessary to identify the source and distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(b) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source).

(c) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged.

While the effluent data must be available to the public, other data submitted by industrial users may be claimed "confidential" and withheld from public scrutiny. However, the control authority must release information submitted under a claim of confidentiality to the approval authority and EPA (if different) whenever requested to do so. Effluent data [as defined in 40 CFR 2.302(a)(2)] will not be considered confidential under any circumstances. Proprietary information or trade secrets will be entitled to consideration by the control authority for possible confidential treatment (provided these are not "effluent data") if the industrial user stamps "Confidential Business Information" over all parts for which protection is sought. The control authority, when it first receives the request for confidential treatment of submitted information, may make an immediate determination as to whether to grant the request or defer making a determination until it receives a request to disclose the information.

If the control authority does not make a determination until a request to disclose is received, the control authority will notify the industrial user that a request to disclose has been received, inform the industrial user of the preliminary determination, and provide an opportunity for the industrial user to appeal. A period of 15 days will be allowed for the industrial user to respond after which if no response is obtained the control authority can release the data

(if the information was not entitled to confidentiality) or deny the request to disclose (if the information is considered confidential).

If the control authority makes a determination when it first receives the request for confidentiality and determines that the information is not entitled to confidential treatment, it will notify the industrial user orally and then by written notice of the denial of confidentiality status. The written notice may be made by certified mail return receipt requested, by personal delivery, or by other means which allow verification of the fact of receipt and the date of receipt. This written notice will provide an opportunity for the industrial user to appeal the decision within 15 days.

If the information is deemed confidential (or if it is being treated as confidential pending a final determination), it will be separated from the rest of the permit file and kept in "limited access" (lock and key) status. This will require the creation of a second file for each user which contains additional confidential materials. Access to this special information will be safeguarded, even against control authority employees who have no legitimate reason for access to such materials. In the event such information is turned over to EPA, it will receive such protection as is afforded by 40 CFR Part 2. All information which is not specifically identified as confidential (or which is later determined by the control authority not to be entitled to confidential treatment) will be available to the public upon request. (1980 Code, § 13-307)

18-307. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the parameters listed in the discharge permit as authorized under § 18-310 are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmosphere Analysis" published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the control authority and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the control authority. All analyses shall be performed in accordance with the procedures contained in 40 CFR Part 136 and amendments thereto.

(2) Control manhole. When required by the control authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling

and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The control authority shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge. (1980 Code, § 13-307)

18-308. Industrial self-monitoring requirements. In order to effectively administer and enforce the provisions of these regulations, the control authority shall require any discharger to comply with any or all of the following requirements:

(1) Discharge reports. The control authority shall require discharge reports, including but not limited to, questionnaires, technical reports, sampling reports, test analysis, and periodical reports of wastewater discharge. Such reports shall be due on a semiannual basis.

(2) Monitoring programs. The control authority may require of users such technical or monitoring programs, including the submission of periodic reports, as he deems necessary. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the City of Red Boiling Springs.

The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the control authority that he has the necessary qualifications and facilities to perform the work; or

(b) Engage a private laboratory, approved by the control authority.

All analyses performed by or for the industrial user shall be submitted to the control authority. (1980 Code, § 13-308)

18-309. Enforcement procedures. (1) Penalties. Violation of any provisions of this chapter is hereby declared to be unlawful. Each day any such violation occurs shall be deemed a separate offense.

(2) Liability. Any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage incurred by the city as a result of such violation.

(3) Injunctive relief. In addition to the penalties provided in the foregoing subsections, whenever a person violates any provision of this chapter or fails to comply with any requirement of the city under authority of this chapter, the city may petition the appropriate court(s) for injunctive relief in accordance with federal regulations, 40 CFR 403.8(f)(1)(vi).

(4) Remedies nonexclusive. Use of any remedy herein contained shall not preclude utilization of any other remedy available at law or in equity nor shall it preclude revocation of permits as provided for hereafter.

(5) Pretreatment enforcement powers. The City of Red Boiling Springs, upon issuance of a permit by the Tennessee Department of Environment and Conservation requiring the city to adopt and enforce an approved pretreatment program, shall be deemed a "pretreatment agency" as described in Tennessee Code Annotated, § 69-3-101 et seq. The city shall have all pretreatment enforcement powers as set forth in Tennessee Code Annotated, §§ 69-3-123 through 69-3-129, as now written or as may be later amended.

The Mayor of the City of Red Boiling Springs is designated as the "local administrative officer" as described in said statutes and the remaining members of the City Council of the City of Red Boiling Springs shall be the "local hearing authority" responsible for the administration and enforcement of the pretreatment program.

In accordance with Tennessee Code Annotated, § 69-3-125, a civil penalty of up to \$10,000.00 per day may be assessed for the acts or omissions set forth therein. (1980 Code, § 13-309)

18-310. Permits. (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within 90 days after notice from the city.

(2) All persons within the city's corporate limits, who intend to provide septic tanks for sewage disposal, shall make written request to the control authority for a septic tank permit. Upon receipt of the written request, the control authority shall determine whether the applicant is unable to connect to the city's system, or whether other conditions exist as provided herein which would allow the use of a septic tank; if so, the permit may be granted, conditioned upon proper installation in accordance with applicable standards, and such other requirements as necessary to protect the public health and safety.

(3) Permit application: Industrial users seeking a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- (b) Volume of wastewater to be discharged;

- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in § 18-305 as determined by a laboratory approved by the control authority;
- (d) Time and duration of discharge;
- (e) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Environment and Conservation Environmental Protection Agency permits required; and
- (k) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

All applications must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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 control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

(4) Permit conditions: Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter and applicable state and federal regulations. The permit shall contain a statement of possible civil and criminal penalties for violation of a permit condition and shall contain any compliance schedules imposed by the control authority.

Permits shall include, but not necessarily be limited to, the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be charged to the public sewer;
- (b) The average land maximum wastewater constituents and characteristics;
- (c) Limits on rate and time discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Pretreatment requirements;
- (f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the control authority, and affording the city access thereto; and
- (i) Other conditions as deemed appropriate by the approving authority to insure compliance with this chapter.
- (j) Statement of non-transferability in accordance with § 18-310(7) along with a statement that in any event, permit subject to non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of a copy of the existing control mechanism to the new owner or operator.
- (k) Statement of duration (in no case longer than five (5) years).

(5) Permit appeals: Once the permit is issued, the industrial user shall have the right to appeal specific provisions of the permit which it believes to be contrary to law or an unreasonable exercise of the control authority's discretion under that law. To initiate an appeal, the industrial user must file with the city clerk in writing a request for review by the city council of the permit provisions, which written request must include supporting reasons for reconsidering the permit conditions. Such written request must be filed within 15 days from the date of issuance of the permit, after which time the right of appeal to the city council or to a court of law is considered waived. The filing of an appeal shall not result in an automatic stay of the permit conditions. The city council shall meet to consider the appeal within 30 days after the date it is filed with the city clerk. If the industrial user is not satisfied with the final decision of the city council, any judicial appeal must be filed within 15 days from the final decision of the city council, after which time the right to such an appeal is considered waived.

(6) Duration of permits: Permits shall be issued for a defined time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A user must file a

permit application to renew the user's current permit at least 90 days prior to its expiration date. However, where the permittee has timely filed an application for permit reissuance and the control authority, through no fault on the part of the industrial user, has not reissued the permit at the time of expiration, the permit's effectiveness shall continue beyond its expiration date. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) **Transfer of a permit:** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation.

(8) **Revocation of permit:** Any user who violates the conditions of the permit or the provisions of this chapter, or applicable state and federal regulations, or any of the following conditions, shall be subject to having his permit revoked:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(d) Violation of conditions of the permit.

(9) Upon revocation of any permit issued under this chapter, the user shall be notified that he shall be entitled to a hearing upon such revocation. Request for such hearing must be made within seven (7) days of notification of revocation of the permit. The hearing will be held before the city council and shall be heard within seven (7) days of the request for hearing. At the hearing, the public works director and the customer shall be entitled to present evidence relevant and material to the revocation and to examine and cross examine witnesses. He may be represented by an attorney, if the user so chooses. The city council shall render a decision within seven (7) days upholding or overturning the revocation. (1980 Code, § 13-310, as amended by Ord. #04-10, Dec. 2004)

18-311. Provision of service. (1) **Application and contract for sewer service.** Prior to use of the POTW and/or sewer system, all prospective users shall be required to sign a written application for service and a standard form contract for service before service is supplied. Users requiring the installation of special equipment by the control authority may be required to sign a form of contract guaranteeing a minimum charge for such a period of time as may be

required by the city and/or control authority, but, in the absence of a completed application and contract, the usage by the user shall bind the user to the terms of the city's and/or control authority's standard form application and/or contract. If for any reason user, after signing application and/or contract for service, does not take the service, he/she shall reimburse the city and control authority for the expense incurred by reason of its endeavor to furnish such service.

(2) Temporary service. Any user requiring temporary service may be required to pay all costs as determined by the control authority for connection and disconnection incidental to the supplying and removal of service, in addition to the regular sewer rate charges.

(3) Billing. All bills for sewer service will be rendered monthly as a part of the regular monthly water billing and shall be computed using the applicable rates or charges in effect at the billing date. Billings will be computed and stated on a net and a gross basis. Such billings shall be payable in the net amount only if paid within the discount period stated on the bill; otherwise the bill is payable in the gross amount. Should the final date for payment of the bill at the net rate fall on a Sunday or holiday, the business day next following the final date will be held as the last day to obtain the net rate. Remittance of net rate payment received by mail after the time limit for payment of said net rate will be accepted by the control authority if the incoming envelope bears United States Post office date stamp of the final date for payment of the net amount or any date prior thereto. Failure to receive bill shall not release user from his obligation to make payment nor extend the discount date. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the control authority by such user. In the event sewer service bills are not paid on or before the discount date, water service may be discontinued upon five (5) days' written notice to user and not again resumed until all bills are paid. The control authority shall not be liable for damages on account of such discontinuance of service, even though payment of such bills be made on the same day either before or after service is actually discontinued.

(4) Point of delivery - water service. The sewer service rates are based upon the supplying of water service to an entire premises through a single delivery and metering point. If water service is rendered to any user or premise through more than one delivery point, the control authority will bill each such delivery point as a separate service.

(5) Multiple service through a single meter - water. Where the control authority, as distributor of water, allows more than one dwelling or premise to be served through a single service line and meter, the monthly water billing for each such dwelling or premise will be computed in accordance with the rules and regulations for the distribution of water. The sewer service charge for each such dwelling or premise thus served shall then be computed at the control authority's applicable sewer service charge rates.

(6) Discontinuance of service. The control authority, as the distributor of water, may disconnect its water service and may refuse to reconnect water service for a violation of this chapter, for failure to comply with any of its Water Rules and Regulations, for violation of any provision of the user's application or contract with the control authority for sewer service furnished. Discontinuance of water service by the control authority for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for payments that thereafter become due under the provisions of any contract between the user and the control authority.

(7) Termination of service by customer. Users who have fulfilled their contract terms and wish to discontinue service must give at least five (5) days' written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve user from any minimum or guaranteed payment under contract or applicable rate schedule.

(8) Notice of trouble. User shall notify the control authority immediately of any known defects, trouble or accident affecting the sewerage system.

(9) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the control authority, will become part of the community system, without cost to the control authority and will then be maintained by the control authority. Connections with existing mains may be made only by the control authority, at the user's expense, and after inspection of service lines ensure conformance with requirements of the building permit and the avoidance of any health hazard or interference with the existing system.

(10) Scope. These rules, regulations and rate schedules are a part of all contracts for receiving sewerage service from the control authority and apply to all service received from the control authority whether the service is based upon contract, signed application or otherwise. (1980 Code, § 13-311; as amended by Ord. #98-4, May 1998)

18-312. User charge. (1) User charge shall be the charge levied on all users including, but not limited to persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewerage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The approving authority of sewerage facilities shall review annually the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The control authority shall revise the user charge, if necessary, to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities, the interest expenses on debt, and the principal repayments or depreciation (whichever is greater).

(5) All flow to the sewerage facilities not directly attributable to the users (i.e. infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.

(7) Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related-byproducts; lease of land; or sale of crops grown on land purchased, shall offset current user charges as well as moderate future rate increases.

(8) If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(9) This user charge system shall take precedence over the terms or conditions of contracts between the city and users which are inconsistent with the requirements of this chapter.

(10) The city shall establish rates for service from time to time. The rates will be available from the city clerk upon request. The rates shall be based upon the cost categories described as operation, maintenance, and replacement; interest; and principal repayments or depreciation, whichever is greater. (1980 Code, § 13-312)

18-313. Industrial waste surcharge. (1) In the event the user discharges industrial wastes to the sewerage facilities having an average Biochemical Oxygen Demand (BOD) content in excess of 300 mg/l, and/or an average Suspended Solids (SS) content in excess of 300 mg/l, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of 40 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

(2) The costs of treatment for each pound of BOD, SS, and TKN removed by the sewerage facilities shall be reviewed at the end of each fiscal

year and appropriate surcharge rates applied to the sewerage billing. These rates shall be in effect until the next annual rate review. (1980 Code, § 13-313)

18-314. Validity. The provisions of this chapter shall supersede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Red Boiling Springs.

It is hereby declared the intention of city council that sections, paragraphs, sentences, clauses, and words of this chapter are severable, and if any such section, paragraph, sentence, clause, or word be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional sections, paragraphs, sentence, clause or word. (1980 Code, § 13-314)

18-315. Sewer connection fees. (1) Definitions. For the purpose of this section only, which deals with sewer connection fees, the following terms shall have the following meanings:

(a) "Residential user" means the owner or occupant of a dwelling.

(b) "Commercial user" means the owner or occupant of a premise other than a dwelling, and other than a manufacturing plant employing more than twenty (20) persons on a regular basis. Commercial users include, but are not limited to, hotels, apartment buildings, retail stores, restaurants, nursing homes, service stations, beauty or barber shops, government buildings, banks, churches, doctor offices, and other similar businesses or enterprises.

(c) "Industrial users" means the owner or occupant of a premise used for a manufacturing plant employing more than twenty (20) persons on a regular basis.

(d) "Dwelling" means any single structure, with auxiliary buildings, occupied by no more than one household for residential purposes.

(e) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term premise does not include more than one dwelling.

(f) "User" means any premise receiving water service from the city.

(g) "Low income" means the total annual household income is less than \$14,950.00 for a one person household; \$17,100.00 for a two person household; \$19,200.00 for a three person household; \$21,350.00 for a four person household; \$23,050.00 for a five person household; \$24,800.00 for a six person household; \$26,500.00 for a seven person household; and \$28,200.00 for an eight person household.

(2) Amount of fees. No permit to connect to any public sewer or a pertinence thereof shall be granted unless the applicant first pays to the city a sewer connection fee as follows:

(a) For residential users located inside the corporate limits of Red Boiling Springs, the sewer connection fee shall be \$500.00;

(b) For residential users located outside the corporate limits of the City of Red Boiling Springs, the sewer connection fee shall be \$750.00;

(c) For commercial users located inside the corporate limits of Red Boiling Springs, the sewer connection fee shall be \$600.00;

(d) For commercial users located outside the corporate limits of Red Boiling Springs, the sewer connection fee shall be \$850.00;

(e) For industrial users, the sewer connection fee shall be \$2,000.00.

(3) Installment payments. A low-income residential user shall have the option to pay the sewer connection fee in not less than twelve equal monthly installments by submitting an application with sufficient information to determine if the applicant qualifies as a low-income user and, if the applicant does qualify, by signing a contract agreeing to make all installment payments in order to pay the sewer connection fee in full. All residential users and all commercial users, regardless of income, shall have the option to pay the sewer connection fee at the rate of half, at the time the permit to connect is issued, and the balance within sixty (60) days.

(4) Future sewer mains. The deadline to pay the lower sewer connection fee applies only to those premises which are serviceable by a sewer main to be installed pursuant to the city's contract with Tidwell & Associates, which contract was approved by the city council on February 26, 1992. Premises which may be serviceable by sewer mains to be constructed pursuant to future contracts, may be granted a lower connection fee even after the deadline established by this section for paying the lower sewer connection fee.

(5) Special cases. The connection fee to be paid by the Macon County Board of Education for extending a sewer line to serve the Red Boiling Springs School, or any other customers requiring extensions of lines in order to serve such customers, shall be determined as a matter of contract between the city and the Board of Education or other customer, in order for the city to recover its cost in extending such line. (1980 Code, § 13-315, as amended by Ord. #217, Feb. 1995; as amended by Ord. #98-8, May 1998)

18-316. Schedule of rates for sewer service. (1) Inside rates. The following shall be the schedule of monthly charges for sewer service furnished to premises located inside of the corporate limits of the City of Red Boiling Springs, to wit:

WATER USAGESEWER AMOUNT

First 2,000 gallons	\$14.46 minimum bill
Over 2,000 gallons per thousand	\$7.88 per 1,000 gal.

(2) Outside rates. The following shall be the schedule of monthly charges for sewer service furnished to premises located outside of the corporate limits of the City of Red Boiling Springs, to wit:

WATER USAGESEWER AMOUNT

First 2,000 gallons	\$22.29 minimum bill
Over 2,000 gallons per thousand	\$11.82 per 1,000 gal.

(1980 Code, § 13-316, as amended by Ord. #98-9, June 1999, replaced by Ord. #10-10, Oct. 2010, and amended by Ord. #13-3, July 2013, Ord. #14-4, June 2014, and Ord. #15-4, June 2015)

18-317. Truck and recreational vehicle discharge fees. (1) The application fee for a truck discharge operation permit shall be \$25.00. Permit holders shall pay for each truck discharge at a fee of \$25.00 per thousand gallons.

(2) The fee to discharge waste from a recreational vehicle shall be \$5.00 per discharge. (1980 Code, § 13-317; as amended by Ord. #99-1, Feb. 1999)

18-318. Transfer fee. There shall be a non-refundable fee for transfer of service from any person, individual, firm, business, industry or corporation who receives service from the city under either an expressed or implied contract. Said transfer fee shall be \$25.00 for all customers inside the corporate limits of the City of Red Boiling Springs, and \$35.00 for any and all customers outside the corporate limits of the City of Red Boiling Springs. (Ord. #98-8, May 1998)

18-319. Non-refundable connection fee for sewer use. In addition to any other connection fee or charge, there shall be charged to each and every user to connect to the sewer system a non-refundable connection fee of \$15.00, for any and all customers located inside the corporate limits of the City of Red Boiling Springs. There shall be a non-refundable connection fee of \$25.00 for any and all customers located outside the corporate limits of the City of Red Boiling Springs. (Ord. #98-8, May 1998)

18-320. Adjustment for leaks in billing. If a customer has a leak in the part of the system required to be maintained by the customer, as set forth herein, the customer will be allowed only one (1) billing adjustment within each twelve (12) month period, providing the customer shall provide satisfactory proof that the leak has been repaired. Whether or not the customer has produced

satisfactory proof that the leak has been repaired shall be determined in the sole discretion of RBS Utilities and/or the city. The bill for usage during the current period of adjustment shall be the average of the last three (3) monthly bills. (Ord. #98-6, May 1998)

18-321. Qualified and certified operator(s) required. The city shall hire and maintain qualified and certified operator(s) for the system. Said operators shall meet all requirements for qualifications, as established by the appropriate state agencies, departments, laws and/or regulations. (Ord. #98-2, May 1998)

18-322. Enforcement Response Plan Red Boiling Springs Tennessee. (1) Introduction. Definition: An Enforcement Response Plan (ERP) is a document that contains detailed procedures on how a Public Owned Treatment works (POTW) investigates and responds to instances of Industrial User (IU) noncompliance.

This section describes the process for obtaining and evaluating information on industrial user compliance: identifying noncompliance; selecting an appropriate enforcement action; and resolving noncompliance in a timely, fair, and consistent manner.

(2) Description of terms. (a) "Administrative action" (a fine or order). An enforcement action authorized by the control authority's legal authority which is taken without the involvement of a court.

(b) "Administrative fine." A punitive monetary charge unrelated to actual treatment costs, which is assessed by the control authority rather than a court.

(c) "Administrative order." A document which orders the violator to perform a specific act or refrain from an act.

(d) "AO." Administrative order.

(e) "Cease and desist order." An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

(f) "Civil litigation." Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.

(g) "Compliance order." An administrative order directing a noncompliant industry to achieve compliance by a date specified in the order.

(h) "Consent order." An administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliant status.

(i) "Criminal prosecution." Pursuing punitive measures against an individual and/or organization through a court of law.

(j) "Control authority." The entity directly administering and enforcing pretreatment standards and requirements against industrial users.

(k) "Fine." Monetary penalty assessed by control authority officials.

- (l) "I." Inspector.
- (m) "IU." Industrial user.
- (n) "Legal authority." The source of a control authority's jurisdiction and regulatory powers.
- (o) "Meeting." Informal compliance meeting with IU to resolve recurring noncompliance.
- (p) "NOV (Notice of Violation)." A control authority document notifying an industrial user that it has violated pretreatment standards and requirements.
- (q) "NPDES (National Pollutant Discharge Elimination System)." A permit system for the direct discharge of pollutants into U.S. waterways.
- (r) "POTW." Publicly owned treatment works.
- (s) "PC." Pretreatment coordinator.
- (t) "S." Superintendent.
- (u) "Show cause order." Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective action and compliance schedules.
- (v) "SNC." Significant noncompliance.
 - (i) Violations of wastewater discharge limits.
 - (A) Chronic violations-66% or more of the measurements exceed the same daily maximum limit or the same average limit in a 6 month period. (Any magnitude of exceedance).
 - (B) Technical Review Criteria (TRC) Violations-33% or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6 month period.
 - (C) Any other violation or violations of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference (e.g. slug loads) or pass-through, or endangered the health of sewage treatment personnel or the public.
 - (D) Any discharge of a pollutant which has caused imminent endangerment to human health/welfare or to the environment and resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (ii) Violations of compliance schedule milestones, contained in a local control mechanism or enforcement order, for starting construction, completion construction, and attaining final compliance by 90 days or more after the schedule date.
 - (iii) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90 day compliance reports, and periodic reports) within 30 days from the due date.
 - (iv) Failure to accurately report noncompliance.

(v) Any other violation or group of violations which the control authority considers to be significant.

(w) "Termination of service." A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

(3) Provisions for enforcement. (a) Administrative enforcement remedies.

(i) Notification of violation. Whenever the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, or any other pretreatment requirement, the superintendent or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, 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 superintendent. Submission of this plan in no way relieves the user of liability for any violation occurring before or after the receipt of the notice of violation.

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

(iii) Show cause hearing. The superintendent may order any industrial user, which causes or contributes to violation to this chapter or wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, 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 and the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(iv) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, or any other pretreatment standard or requirement, he may issue an order to the industrial 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 other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(v) Cease and desist orders. When the superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to reoccur, or the user's past violations are likely to reoccur, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(A) Comply forthwith.

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

(vi) Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such collection remedies as he has to available collect other service charges. Unpaid charges, fines, and penalties shall constitute the individual user's property. Industrial users desiring to dispute such fines must file a request for the superintendent to reconsider the fine within 10 days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

(vii) Emergency suspensions. (A) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(B) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit

shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed.

(C) An industrial user that is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent.

(viii) Termination of discharge. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to discharge termination:

(A) Violation of permit conditions.

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(C) Failure to report significant changes in operation or wastewater volume, constituents, and characteristics, prior to discharge.

(D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(E) Violation of the pretreatment standards set forth in the city's sewer use ordinance.

Noncompliant industrial users will be notified of the proposed termination of their discharge and offered an opportunity to show cause under section 2.2.3 of this ordinance why the proposed action should not be taken.

(b) Judicial remedies. If any person discharges sewage, industrial waste, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Civil Court of Macon County.

(i) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which

restrains or compels the activities on the part of the industrial user. The superintendent shall have such remedies to collect these fees, as it has available to collect other sewer service charges.

(ii) Civil penalties. (A) Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the superintendent for a civil penalty of not more than (maximum allowable under state law, e.g. \$10,000 but not less than \$50, state law permitting) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(B) The superintendent shall petition the court to impose, assess, and recover such sums. In determining amount the of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(iii) Criminal prosecution. (A) Violations--general.

(1) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than one year or both.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

(B) Falsifying information. (1) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than one year or both.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

(c) Supplemental enforcement remedies. (i) Annual publication of significant violations. The superintendent shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users, which are found to be in specific violation, as defined in section (3) of this section, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(ii) Termination of permit. Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(A) Violation of permit conditions.

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(C) Failure to report significant changes in operations or wastewater constituents and characteristics.

(D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under section 2.1.3 of this ordinance why the proposed action should not be taken.

(d) Affirmative defenses. (i) Treatment upsets.

(A) Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, the user thereof shall file a written report within five days. The report shall contain:

(1) A description of the upset, its cause(s), and impact on the discharge's compliance status.

(2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by

which compliance is reasonably expected to be restored.

(3) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(B) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the superintendent for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(ii) Treatment bypasses. (A) A bypass of the treatment system is prohibited unless all of the following conditions are met:

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

(2) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(3) The industrial user properly notified the superintendent as described in paragraph (B) below.

(B) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass. If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and steps being taken to prevent its recurrence.

(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 of the treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least 10 days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (A) above.

(4) Enforcement Response Guide

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
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(a) Unauthorized discharges.
(no permit)

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(i)	<u>Unpermitted discharge.</u>		
(A)	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PC
(B)	IU unaware of requirement; harm to POTW	AO with fine Civil action	PC S
(C)	Failure to apply continues after notice by POTW	Civil action Criminal investigation Terminate service	S S S
(ii)	<u>Nonpermitted discharge.</u>		
(A)	IU has not submitted application within 10 days of due date	Phone call; NOV	PC
(b)	<u>Discharge limit violation.</u>		
(i)	<u>Exceedance of local or federal standard (permit limit).</u>		
(A)	Isolated not significant	Phone call; NOV	I, PC
(B)	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PC
(C)	Isolated, harm to POTW	Show cause order Civil action	PC, S S
(D)	Recurring, no harm to POTW or environment	AO with fine	PC
(E)	Recurring; significant (harm)	AO with fine Show cause order Civil action Terminate service	PC PC, S S S
(c)	<u>Monitoring and reporting violations.</u>		
(i)	<u>Reporting violation.</u>		
(A)	Report is improperly signed or certified	Phone call or NOV	PC

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(B)	Report is improperly signed or certified after notice by POTW	AO Show cause order	PC PC, S
(C)	Isolated, not significant (e.g. 5 days late)	Phone call; NOV	I, PC
(D)	Significant (e.g. report 30 days or more)	AO to submit with fine per additional day	PC
(E)	Reports are always late or no reports at all	AO with fine Show cause order Civil action	PC PC, S S
(F)	Failure to report spill or changed discharge (no harm)	NOV	PC
(G)	Failure to report spill or changed discharge (results in harm)	AO with fine Civil action	PC S
(H)	Repeated failure to report spills	Show cause order Terminate service	PC, S S
(I)	Falsification	Criminal investigation Terminate service	S S
(ii)	<u>Failure to monitor correctly.</u>		
(A)	Failure to monitor all pollutants as required by permit	NOV or AO	PC
(B)	Recurring failure to monitor correctly	AO with fine Civil action	PC S
(iii)	<u>Improper sampling.</u>		
(A)	Evidence of intent	Criminal investigation Terminate service	S S
(iv)	<u>Failure to install monitoring equipment</u>		
(A)	Delay of less than 30 days	NOV	PC
(B)	Delay of 30 days or more	AO to install with fine for each additional day	PC

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(C)	Recurring, violation of AO	Civil action Criminal investigation Terminate service	PC S S
(v)	<u>Compliance schedules</u> (in permit)		
(A)	Missed milestones by less than 30 days, or will not affect final milestone	NOV or AO with fine	PC
(B)	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	PC
(C)	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order Civil action Terminate service	PC, S S S
(D)	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	S S S
(d)	<u>Other permit violations.</u>		
(i)	<u>Waste streams are diluted in lieu of treatment.</u>		
(A)	Initial violation	AO with fine	PC
(B)	Recurring	Show cause order Terminate service	PC, S S
(C)	Does not result in harm	NOV	PC
(D)	Does result in harm	AO with fine Civil action with fine	PC S
(ii)	<u>Failure to mitigate noncompliance or halt production.</u>		
(A)	Does not result in harm	NOV	PC
(B)	Does result in harm	AO with fine Civil action	PC S
(iii)	<u>Failure to properly operate and maintain pretreatment facility.</u>		
(A)	See (4)(d)(ii) above		

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(e)	<u>Violations detected during site visits.</u>		
(i)	<u>Entry denial.</u>		
(A)	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU	I
(ii)	<u>Illegal discharge during site visits.</u>		
(A)	No harm to POTW or environment	AO with fine	PC
(B)	Discharges causes harm or evidence of intent/negligence	Civil action Criminal investigation	S S
(C)	Recurring, violation of AO	Terminate service	S
(iii)	<u>Improper sampling.</u>		
(A)	Unintentional sampling at incorrect location	NOV	I, PC
(B)	Unintentionally using incorrect sample type	NOV	I, PC
(C)	Unintentionally using incorrect sample collection techniques	NOV	I, PC
(iv)	<u>Inadequate recordkeeping.</u>		
(A)	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
(B)	Recurring	AO with fine	PC
(v)	<u>Failure to report additional monitoring.</u>		
(A)	Inspection finds additional files	NOV	I, PC
(B)	Recurring	AO with fine	PC

(f) Timeframes for responses. (i) All violations will be identified and documented within five days of receiving compliance information.

(ii) Initial enforcement responses [involving contact with industrial user and requesting information on corrective or preventive action(s)] will occur within 15 days of violation.

(iii) Follow-up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(iv) Violations, which threaten health, property or environmental quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(v) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.

(5) Enforcement responses. (a) Notice of violation.

EXAMPLE NOV
DIVISION OF WATER AND WASTE WATER SERVICES
CITY OF RED BOILING SPRINGS

IN THE MATTER OF

NAME OF INDUSTRY
ADDRESS

NOTICE OF VIOLATION

LEGAL AUTHORITY

The following findings are made and notice issued pursuant to the authority vested in the superintendent of wastewater services, under section ___ of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under section ___ of the city's sewer use ordinance.

FINDINGS

- 1) The City of Red Boiling Springs is charged with construction, maintenance, and control of the sewer system and treatment works.
- 2) To protect the sewer system and treatment works the City of Red Boiling Springs administers a pretreatment program.
- 3) Under this pretreatment program the (Name of Industry) was issued a discharge permit.
- 4) The discharge permit issued to the City of Red Boiling Springs contained numerical limits on the quantity of pollutants which (Name of Industry) could discharge and self-monitoring requirements.
- 5) On (Date) pollutant analysis revealed that the quantity of (Pollutant) exceeded the permit limitation.

NOTICE

THEREFORE, BASED ON THE ABOVE FINDINGS (Name of Industry) IS HEREBY NOTIFIED THAT:

- 1) It is in violation of its discharge permit and the sewer use ordinance of the City of Red Boiling Springs.

Signed: _____

Superintendent of Sewer Department
PO Box 190
Red Boiling Springs, TN 37150

(b) Cease and desist order.

EXAMPLE CEASE AND DESIST ORDER
DIVISION OF WATER AND WASTEWATER SERVICES
CITY OF RED BOILING SPRINGS

IN THE MATTER OF

NAME OF INDUSTRY
ADDRESS

CEASE AND DESIST ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the superintendent of wastewater services under section ____ of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under section ____ of the city's sewer use ordinance.

FINDINGS

- 1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Red Boiling Springs.
- 2) (Industry) is a "significant industrial user" as defined by section ____ of the city's sewer use ordinance.
- 3) (Industry) was issued a wastewater discharge permit on (Date) which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
- 4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).
- 5) This data shows that (Industry) has violated the sewer use ordinance in the following manner:
 - a) (Industry) has continuously violated its permit limits for (parameter) in each sample collected between (Date) and (Date).
 - b) (Industry) has also failed to comply with an administrative compliance order requiring the installation of a pretreatment system and the achievement of compliance with its permit by (Date).
 - c) (Industry) has failed to appear at a show cause hearing pursuant to an order requiring said attendance.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS (Industry) IS HEREBY ORDERED TO:

- 1) Within 24 hours of receiving this order, cease all discharges into the city's sanitary sewer. Such discharges shall not recommence until such time as (Industry) is able to demonstrate that it will comply with its current permit limits.
- 2) Failure to comply with this order may subject (Industry) to having its connection to the sanitary sewer sealed by the city, and assessed costs thereof.
- 3) Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject (Industry) to civil or criminal penalties or other such enforcement response as may be appropriate.
- 4) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____

Superintendent of Sewer Department
 PO Box 190
 Red Boiling Springs, TN 37150

(c) Show cause order.

EXAMPLE SHOW CAUSE ORDER
 DIVISION OF WATER AND WASTEWATER SERVICES
 CITY OF RED BOILING SPRINGS

IN THE MATTER OF

NAME OF INDUSTRY
ADDRESS

ADMINISTRATIVE
SHOW CAUSE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the superintendent of wastewater services, under section ___ of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under section ___ of the city's sewer use ordinance.

FINDINGS

- 1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Red Boiling Springs (hereafter "city").

- 2) (Industry) is a "significant industrial user" as defined by section __ of the city's sewer use ordinance.
- 3) (Industry) was issued a wastewater discharge permit on (Date) which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
- 4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).
- 5) This data shows that (Industry) has violated its wastewater discharge permit in the following manner:
 - a) (Industry) has violated its permit limits for (Parameter) in each sample collected between (Date) and (Date) for a total of ____ separate violations of the permit.

- (Industry) has failed to submit a periodic compliance report due (Date)
- b) All of these violations satisfy the city's definition of significant violation.

ORDER

THEREFORE, BASED ON THE FINDINGS, (Industry) IS HEREBY ORDERED TO:

- 1) Appear at a meeting with the superintendent of sewer services to be held on (Date, Time, and Place).
- 2) At this meeting, (Industry) must demonstrate why the city should not pursue a judicial enforcement action against (Industry) at this time.
- 3) This meeting will be closed to the public.
- 4) Representatives of (Industry) may be accompanied by legal counsel if they so choose.
- 5) Failure to comply with this order shall also constitute a further violation of the sewer use ordinance and may subject (Industry) to civil or criminal penalties or such other appropriate enforcement response as may be appropriate.
- 6) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____

Superintendent of Sewer Department
 PO Box 190
 Red Boiling Springs, TN 37150

(iv) Compliance order.

EXAMPLE COMPLIANCE ORDER
 DIVISION OF WATER AND WASTEWATER SERVICES
 CITY OF RED BOILING SPRINGS

IN THE MATTER OF

NAME OF INDUSTRY
 ADDRESS

ADMINISTRATIVE
 COMPLIANCE ORDER

LEGAL AUTHORITY

The following findings are made and order issued pursuant to the authority vested in the superintendent of wastewater services, under section ___ of the city's sewer use ordinance. This order is based on findings of violation of the conditions of the wastewater discharge permit issued under section ___ of the city's sewer use ordinance.

FINDINGS

- 1) (Industry) discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the City of Red Boiling Springs (Hereafter) city.
- 2) (Industry) is a "significant industrial user" as defined by section __ of the city's sewer use ordinance.
- 3) (Industry) was issued a wastewater discharge permit on (Date), which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
- 4) Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of (Industry).
- 5) This data shows that (Industry) has violated its wastewater discharge permit in the following manner:
 - a) (Industry) has violated its permit limits for (Parameter) in each sample collected between (Date) and (Date) for a total of _____ separate violations of the permit.
 - b) (Industry) has failed to submit all periodic compliance reports due since (Date).
 - c) All of these violations satisfy the city's definition of significant violation.

ORDER

THEREFORE, BASED ON THE ABOVE FINDINGS (Industry) IS HEREBY ORDERED TO:

- 1) Within 180 days, install pretreatment technology, which will adequately treat (Industry)'s wastewater to a level, which will comply, with its wastewater permit.
- 2) Within 5 days, submit all periodic compliance reports due since (Date).
- 3) Within ten days pay, to city hall, a fine of (Amount) for the above described violations in accordance with section ____ of the sewer use ordinance.
- 4) Report, on a monthly basis, the wastewater quality and the corresponding flow and production information as described on page ____ of the wastewater discharge permit for a period of one year from the effective date of this order.
- 5) All reports and notices required by this order shall be sent, in writing, to the following address:

Pretreatment Coordinator
PO Box 190
Red Boiling Springs, TN 37150
- 6) This order does not constitute a waiver of the wastewater discharge permit which remains in full force and effect. The City of Red Boiling Springs reserves the right to seek any and all remedies available to it under section __ of the sewer use ordinance for any violation cited by this order.
- 7) Failure to comply with the requirements of this order shall constitute a further violation of the sewer use ordinance and may subject (Industry) to civil or criminal penalties or such other appropriate responses as may be appropriate.
- 8) This order, entered this (Date), shall be effective upon receipt by (Industry).

Signed: _____

Superintendent of Sewer Department
PO Box 190
Red Boiling Springs, TN 37150

(b) Termination of sewer service. (v) When to terminate service. Assuming other enforcement responses are unsuccessful, the types of violations warranting termination of service are:

(A) Unpermitted discharge(s) which violate the POTW's NPDES permit or which create a dangerous situation threatening human health, the environment, or the treatment plant.

(B) Discharge(s) that exceed local or categorical discharge limits and result in damage to the environment.

(C) Slug loads causing interference, pass-through, or damage to human health, the environment, or the treatment plan.

(D) Failure of the industry user to notify the control authority of effluent limit violations or slug discharge, which result in environmental, or POTW damage.

(E) Complete failure of the industry user to sample, monitor, or report as required by an AO.

(F) Failure of the industrial user to install required monitoring equipment per the condition of an AO.

(G) Major violation of a permit condition or AO accompanied by evidence of negligence or intent.

(vi) Example suspension order.

CITY OF RED BOILING SPRINGS
SUSPENSION OF WASTEWATER SERVICE

Superintendent of Sewer Department
Phone 615-699-2011
PO Box 190
Red Boiling Springs, TN 37150

Date of Notice _____

Business of Individual: _____

Address: _____

Person Contacted/Title: _____

City Code Section Violation: _____

Results of Analysis: _____

Due to the serious nature of your violation, The City of Red Boiling Springs is ordering you to immediately stop the discharge of the effluent (in violation), and to eliminate any further industrial discharging by (Time and Date).

In the event of your failure to voluntarily comply with this suspension order, the city shall take such steps as deemed necessary including, not limited to, immediate severance of your sewer connection to prevent or minimize damage to our POTW system or endangerment to any individual or the environment.

Refused to sign _____

Signature of person Contacted

Signature of City Representative

(as added by Ord. #99-4, April 1999)

18-323. EPA compliance. In the event any requirement within this chapter is less stringent than any of like application set forth in the effective Nation Pretreatment Standards (i.e., any regulations containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Water Pollution Control Act (the "Act"), 33 U.S.C. 1251, et seq., which applies to Industrial Users), or any other effective requirements or prohibitions of like application established under the Act or the EPA Regulations codified under Part 403 of Title 40 of the Code of Federal Regulations, then compliance with the requirements of this chapter shall require compliance with such more stringent requirements or prohibition notwithstanding any provision within this chapter to the contrary. (as added by Ord. #04-10, Dec. 2004)

CHAPTER 4

CONSERVATION OF WATER

SECTION

- 18-401. Definitions.
- 18-402. Application of regulations.
- 18-403. State of emergency.
- 18-404. Certain uses prohibited.
- 18-405. Enforcement.
- 18-406. Penalties.

18-401. Definitions. For the purposes of §§ 18-401 through 18-406 the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the text, words used in the present tense include future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Red Boiling Springs.
- (2) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (3) "Water" is water from the City Water Supply System. (1980 Code, § 13-401)

18-402. Application of regulations. The provisions of §§ 18-401 through 18-406 inclusive shall apply to all persons using water both in and outside the city, and regardless of whether any person using water shall have a contract for water service with the city. (1980 Code, § 13-402)

18-403. State of emergency. The mayor is hereby authorized and empowered to declare a state of emergency, at any time hereafter when same may appear to be necessary or advisable for the general welfare and benefit of the municipality, relative to the use or consumption of water furnished by the municipal water system to its users, customers or consumers. When a state of emergency has been declared, the water commissioner is hereby authorized, empowered, and directed to immediately restrict, prohibit or regulate the use and consumption of all water by all of the city's users, customers and/or consumers in such a manner, to such an extent, and for such a length of time as is necessary or advisable for the general welfare and benefit of the municipality. (1980 Code, § 13-403)

18-404. Certain uses prohibited. When an emergency is declared, the use and withdrawal of water by any person for the following purposes is hereby prohibited; except by expressed permission granted by the water commissioner:

- (1) Watering yards. The sprinkling, watering or irrigating shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.
- (2) Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment.
- (3) Cleaning outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
- (4) Cleaning buildings. The washing of the outside of dwellings; the washing of the inside and outside of office building.
- (5) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.
- (6) Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water, not employing a recirculating system.
- (7) Swimming pools. Private swimming and wading pools.
- (8) Escape through defective plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair, and which shall include defects in swimming pools and fountains.
- (9) Air conditioning. Use of air conditioning equipment requiring water, not employing a recirculating system.
- (10) Restaurant service. Drinking water will not be served with meals unless specifically requested by the customer. (1980 Code, § 13-404)

18-405. Enforcement. Every police officer of the city shall in connection with his duties imposed by law, diligently enforce the provisions of this chapter. The water commissioner shall have the authority to enforce the provisions of this chapter by the discontinuance of water service in the event of violation hereof in addition to the penalties set out herein below. (1980 Code, § 13-405)

18-406. Penalties. Any person who shall violate the provisions of §§ 18-401 through 18-406 inclusive shall be fined no less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every offense. (1980 Code, § 13-406)

CHAPTER 5

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-501. Definitions.
- 18-502. Places required to have sanitary disposal methods.
- 18-503. When a septic tank shall be used.
- 18-504. Registration and records of septic tank cleaners, etc.
- 18-505. Use of pit privy or other method of disposal.
- 18-506. Approval and permit required for septic tanks, privies, etc.
- 18-507. Owner to provide disposal facilities.
- 18-508. Occupant to maintain disposal facilities.
- 18-509. Only specified methods of disposal to be used.
- 18-510. Discharge into watercourses restricted.
- 18-511. Pollution of ground water prohibited.
- 18-512. Enforcement of chapter.
- 18-513. Carnivals, circuses, etc.
- 18-514. Violations.

18-501. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (2) "Human excreta." The bowel and kidney discharges of human beings.
- (3) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.
- (4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be

¹Municipal code reference

Plumbing code: title 12, chapter 2.

The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Health, Environmental Sanitation Service, for adoption by cities in the interest of public health.

provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(5) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(6) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(7) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1980 Code, § 8-301)

18-502. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1980 Code, § 8-302)

18-503. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1980 Code, § 8-303)

18-504. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1980 Code, § 8-304)

18-505. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-502 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1980 Code, § 8-305)

18-506. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1980 Code, § 8-306)

18-507. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-502, or the agent of the owner, to provide such facilities. (1980 Code, § 8-307)

18-508. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1980 Code, § 8-308)

18-509. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1980 Code, § 8-309)

18-510. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1980 Code, § 8-310)

18-511. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial, in any formation which may permit the pollution of ground water. (1980 Code, § 8-311)

18-512. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human

excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1980 Code, § 8-312)

18-513. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1980 Code, § 8-313)

18-514. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1980 Code, § 8-314)

CHAPTER 6

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-601. Definitions.
- 18-602. Compliance with Tennessee Code Annotated.
- 18-603. Regulated.
- 18-604. Permit required.
- 18-605. Inspections.
- 18-606. Right of entry for inspections.
- 18-607. Correction of violation.
- 18-608. Required devices.
- 18-609. Non-portable supplies.
- 18-610. Statement required.
- 18-611. Penalty; discontinuance of service.
- 18-612. Provision applicable.

18-601. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this article:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device, which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected

to public water only, and the water in the tanks is to be maintained in a potable condition).

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

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements 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 system.

(13) "Person" shall mean 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.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Red Boiling Springs Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Supervisor" shall mean the supervisor of the Red Boiling Springs Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1980 Code, § 8-401, as replaced by Ord. #09-02, May 2009)

18-602. Compliance with Tennessee Code Annotated. The Red Boiling Springs Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Red Boiling Springs Water System shall comply with Tennessee Code Annotated, § 68-221-711, as well as the rules and regulations for public water systems and drinking water quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1980 Code, § 8-402, as replaced by Ord. #09-02, May 2009)

18-603. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Red Boiling Springs Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Red Boiling Springs Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the supervisor of the Red Boiling Springs Water System.

(3) If, in the judgment of the supervisor or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the supervisor shall compel the installation, testing and

maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

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

(6) For existing premises, personnel from the Red Boiling Springs Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1980 Code, § 8-403, as replaced by Ord. #09-02, May 2009)

18-604. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Red Boiling Springs Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Red Boiling Springs Water System (1980 Code, § 8-404, as replaced by Ord. #09-02, May 2009)

18-605. Inspections. The supervisor or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the Red Boiling Springs Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (as added by Ord. #09-02, May 2009)

18-606. Right of entry for inspections. The supervisor or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Red Boiling Springs Water System public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information

or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (as added by Ord. #09-02, May 2009)

18-607. Correction of violations. (1) Any person found to have 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 the existing conditions and an appraisal of the time required to complete the work, the supervisor or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Red Boiling Springs Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the supervisor or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the supervisor shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing. (as added by Ord. #09-02, May 2009)

18-608. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;

(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Red Boiling Springs Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

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

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Red Boiling Springs Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Red Boiling Springs Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation high risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

(a) High risk high hazards:

(i) Mortuaries, morgues, autopsy facilities;

(ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;

(iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;

(iv) Premises with auxiliary water supplies or industrial piping systems;

(v) Chemical plants (manufacturing, processing, compounding, or treatment);

- (vi) Laboratories (industrial, commercial, medical research, school);
- (vii) Packing and rendering houses;
- (vii) Manufacturing plants;
- (ix) Food and beverage processing plants;
- (x) Automated car wash facilities;
- (xi) Extermination companies;
- (xii) Airports, railroads, bus terminals, piers, boat docks;
- (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (xiv) Metal plating, pickling, and anodizing operations;
- (xv) Greenhouses and nurseries;
- (xvi) Commercial laundries and dry cleaners;
- (xvii) Film laboratories;
- (xviii) Petroleum processes and storage plants;
- (xix) Restricted establishments;
- (xx) Schools and educational facilities;
- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities;
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual)

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Red Boiling Springs Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly; except (1) a double check detector assembly shall be required where a hydrant or other point of use exists on the system; or (2) a reduced pressure backflow prevention device shall be required where:

- (i) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

- (ii) Premises have unusually complex piping systems;
- (iii) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.
- (b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.
- (c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.
- (d) Swimming pools with no permanent plumbing and only filled with hoses with require a hose bibb vacuum breaker be installed on the faucet used for filling.
- (5) The supervisor or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.
- (6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:
 - (a) All required devices shall be installed in accordance with the provisions of this chapter, by a person approved by the Red Boiling Springs Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.
 - (b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Red Boiling Springs Water System, and shall permit direct connection to department test equipment.
 - (c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.
 - (d) All devices shall be placed in the upright position in a horizontal run of pipe.
 - (e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.
 - (f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either; (1) the floor, (2) the top of opening(s) in the enclosure or (3) maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Red Boiling Springs Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2-1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside

fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40° F) with an outside temperature of negative thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Red Boiling Springs Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Red Boiling Springs Water System may require the installation of a duplicate device.

(p) The Red Boiling Springs Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Red Boiling Springs Water System. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Red Boiling Springs Water System.

(6) Testing of devices. Devices shall be tested at least annually by the Red Boiling Springs Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Red Boiling Springs Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge for annual testing. (as added by Ord. #09-02, May 2009)

18-609. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe

or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the Red Boiling Springs Water System, such coding is necessary to identify and protect the potable water supply. (as added by Ord. #09-02, May 2009)

18-610. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Red Boiling Springs Water System a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #09-02, May 2009)

18-611. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the supervisor may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #09-02, May 2009)

18-612. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Red Boiling Springs Water System and are hereby made part of the conditions required to be met for the Red Boiling Springs Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of

Change 8, February 11, 2010

18-80

contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (as added by Ord. #09-02, May 2009)

CHAPTER 7

[DELETED]

(as deleted by Ord. #09-3, May 2009)

CHAPTER 8

WASTEWATER PRETREATMENT ORDINANCE

SECTION

- 18-801. General provisions.
- 18-802. General sewer use requirements.
- 18-803. Pretreatment of wastewater.
- 18-804. Individual wastewater discharge permits.
- 18-805. Individual wastewater discharge permit issuance.
- 18-806. Reporting requirements.
- 18-807. Compliance monitoring.
- 18-808. Confidential information.
- 18-809. Publication of users in significant noncompliance.
- 18-810. Administrative enforcement remedies.
- 18-811. Judicial enforcement remedies.
- 18-812. Supplemental enforcement action.
- 18-813. Affirmative defenses to discharge violations.
- 18-814. Wastewater treatment rates.
- 18-815. Miscellaneous provisions.

18-801. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Red Boiling Springs, Tennessee and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 *et seq.*) and the General Pretreatment Regulations (title 40 of the Code of Federal Regulations [CFR] part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Administration. Except as otherwise provided herein, the "director of public works" shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director of public works may be delegated by the director of public works to a duly authorized city employee.

(3) Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
BMP	-	Best Management Practice
BMR	-	Baseline Monitoring Report
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
IU	-	Industrial User
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
NSCIU	-	Non-Significant Categorical Industrial User
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIU	-	Significant Industrial User
SNC	-	Significant Noncompliance
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code

(4) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

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

(b) "Approval authority." The Tennessee Division of Water Pollution Control Director or his/her representative(s).

(c) "Authorized" or "duly authorized representative of the user."

(i) If the user is a corporation:

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

(B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

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

(iv) The individuals described in paragraphs (i) through (iii), above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(d) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees (20°) centigrade, usually expressed as a concentration (e.g., mg/l).

(e) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-802(1)(a) and (b) [Tennessee rule 1200-4-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to

control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) "Categorical pretreatment standard" or "categorical standard." 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 that appear in 40 CFR chapter I, subchapter N, parts 405-471).

(g) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(h) "City." The City of Red Boiling Springs or the City Council of Red Boiling Springs.

(i) "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(j) "Control authority." The City of Red Boiling Springs.

(k) "Daily maximum." The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

(l) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(m) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

(n) "Existing source." Any source of discharge that is not a "new source."

(o) "Grab sample." A sample that is taken from a wastestream over a period of time not to exceed fifteen (15) minutes.

(p) "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any nondomestic source.

(q) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

(s) "Local limit." Specific discharge limits developed and enforced by Red Boiling Springs upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

(u) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(v) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

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

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

(C) The production of 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.

(ii) 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 section (i)(B) or (C) above but

otherwise alters, replaces, or adds to existing process or production equipment.

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

(A) Begun, or caused to begin, as part of a continuous onsite construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) 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.

(x) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

(z) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

(aa) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(bb) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(cc) "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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(dd) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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

(ff) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibition against the discharge of certain substances; these prohibitions appear in § 18-802(1) of this chapter.

(gg) "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(hh) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(ii) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(jj) "Significant Industrial User (SIU)." Except as provided in paragraphs §§ 18-801(3) and (4) of this section, a significant industrial user is:

(i) An industrial user subject to categorical pretreatment standards; or

(ii) An industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

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

(C) Is designated as such by Red Boiling Springs on the basis that it has a reasonable potential for adversely affecting the POTW's operation for violating any pretreatment standard or requirement.

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

(kk) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-802(1) of this chapter.

A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

(ll) "Storm water." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(mm) "Director of public works." The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a duly authorized representative of the director of public works.

(nn) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(oo) "User" or "industrial user." A source of indirect discharge.

(pp) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(qq) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-802. General sewer use requirements. (1) Prohibited discharge standards.

(a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

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

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

(ii) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products;

(iii) Garbage, solids or viscous substances that have not been ground or comminuted such that they will be carried freely in suspension under normal flow conditions prevailing in the public sewers or discharge of solids in amounts which will cause obstruction of the flow in the POTW resulting in interference. In no case shall solids greater than one half inch (1/2") in any dimension be introduced or allowed to enter the system. Prohibited materials include, but are not limited to, grease; uncomminuted garbage; animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, or feathers from slaughterhouses; ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, waste paper, wood, plastic, tar, asphalt residues, spent grains, spent hops, residues from refining or processing of fuel or lubricating oil, and similar substances;

(iv) Toxic substances and pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or cause the POTW to exceed its NPDES permit limits;

(v) Wastewater having a temperature greater than 90 degrees F (32 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees (40 degrees C);

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

(vii) Pollutants and any wastewater which causes hazard to human life or creates a public nuisance or which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(viii) Trucked or hauled pollutants, except at discharge points designated by the director of public works in accordance with § 18-803(4) of this chapter.

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

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(xii) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director of public works;

(xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(xiv) Medical wastes, except as specifically authorized by director of public works in an individual wastewater discharge permit or a general permit;

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

(xvi) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

(xvii) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the stream;

(xviii) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(xix) Wastewaters at a flow rate which is excessive relative the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the POTW over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471.

(a) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director of public works shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).

(3) State pretreatment standards. Users must comply with State of Tennessee Pretreatment Standards pursuant to Tennessee Rule 1200-4-14.

(4) Local limits. (a) The director of public works is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3).

(b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit.

0.012	mg/l benzene
0.006	mg/l cadmium
0.064	mg/l carbon tetrachloride
3.3	mg/l chlorine
0.628	mg/l chloroform
0.501	mg/l chromium
0.098	mg/l copper
0.021	mg/l cyanide
0.101	mg/l ethylbenzene
0.049	mg/l lead
0.0004	mg/l mercury

5.412	mg/l methylene chloride
0.002	mg/l naphthalene
0.580	mg/l nickel
0.215	mg/l phenols, total
0.232	mg/l phthalates, total
0.002	mg/l silver
1.203	mg/l tetrachloroethylene
0.586	mg/l toluene
0.110	mg/l trichloroethylene
1.444	mg/l 1, 1, 1, trichloroethane
0.053	mg/l 1.2 trans dichloroethylene
1.244	mg/l zinc

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

(c) The public works director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-802(1).

(5) City's right of revision. The City of Red Boiling Springs reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

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

(7) Use of public sewers required. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Red Boiling Springs, or in any area under the jurisdiction of said city, any human or animal excrement, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Red Boiling Springs, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where a federal or state discharge permit has been duly issued and is currently valid for such discharge.

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

(d) The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes, which abut upon a street, road, right-of-way or other public way containing a public sanitary or combined sewer, or which have such sewer passing through or sufficiently close to such property that such property can be serviced by such sanitary sewer, shall upon demand by the city install suitable toilet facilities therein and connect the same directly with the proper treatment works in accordance with the provisions of this chapter and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirements in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health. However, where such waive is granted, such owner, tenant or occupant shall, nonetheless, be required to pay to the city the regular monthly sewer charge that would have been due from such user based upon water usage, based upon the city making sewer service available to such premises. In addition to any other method of enforcing this requirement, the city may refuse water service to such owner, tenant or occupant failing to comply within thirty (30) days after notice to comply.

(e) Direct service connections made to the city's sewerage system shall be made only by persons duly authorized by the city.

(f) The sewers are constructed for the purpose of transporting sewage--not storm water. Any customer of the sewerage system shall be responsible for the integrity of the pipes on his property which connect to the sewerage system. If it is determined that the pipes owned by the customer are faulty and in a bad state of repair such that extraneous storm water can enter the sewerage system, the city may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, water service shall be terminated, and the customer held responsible for the resulting public health problems.

(g) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly

such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the director of public works or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the director. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the director for violation of any provision of this section or reasonable regulation established by the director. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The director shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in 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 thereto. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall provide a bond in an amount sufficient to cover his potential liability for violating his permit.

(h) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with conditions of the permit issued by the director.

Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(8) Private sewage disposal. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, or where such is otherwise permitted by city ordinance or regulations.

(9) Building sewers and connections. (a) No unauthorized persons shall uncover, make any connections with or opening into, use, alter, or

disturb any public sewer or appurtenance thereof without first obtaining a written permit from the control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority.

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

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

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

(e) The size, slope, alignment, materials of construction of a building sewer, and the methods of construction, including but not limited to, excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. And W.P.C.F. Manual of Practice No. 9 shall apply.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the director of public works for purpose of disposal of polluted surface drainage.

(h) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9.

(i) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(j) The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready

for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

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

(l) All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense. The city shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the city sewer. If the city employees are required to cleanout the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with § 18-803 of this chapter. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-803. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-802(1) of this chapter within the time limitations specified by EPA, the state, or the public works director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director of public works for review, and shall be acceptable to the director of public works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

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

(b) The public works director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the public works director, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense. See § 18-802(9)(l) of this chapter for more detail and commercial requirements.

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

(3) Accidental discharge/slug discharge control plans. The director of public works shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The director of public works may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director of public works may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the director of public works of any accidental or slug discharge, as required by § 18-806(6) of this chapter; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. 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.

(4) Hauled wastewater. (a) Septic tank waste may be introduced into the POTW only at locations designated by the public works director, and at such times as are established by the public works director. Such waste shall not violate § 18-802 of this chapter or any other requirements established by the city. The public works director may require septic

tank waste haulers to obtain individual wastewater discharge permits. See § 18-802(7)(g) of this chapter.

(b) The director of public works may require haulers of industrial waste to obtain individual wastewater discharge permits. The director of public works also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the director of public works. No load may be discharged without prior consent of the director of public works. The director of public works may collect samples of each hauled load to ensure compliance with applicable standards. The director of public works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. See § 18-802(7)(h) of this chapter. (as added by Ord. #08-8, Nov. 2008)

18-804. Individual wastewater discharge permits. (1) Wastewater analysis. When requested by the director of public works, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director of public works is authorized to prepare a form for this purpose and may periodically require users to update this information.

(2) Individual wastewater discharge permit requirement. (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the director of public works, except that a significant industrial user that has filed a timely application pursuant to § 18-804(3) of this chapter may continue to discharge for the time period specified therein.

(b) The director of public works may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-810 through 18-812 of this chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment

standards or requirements or with any other requirements of federal, state, and local law.

(3) Individual wastewater discharge permitting--existing connections.

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within forty-five (45) days after said date, apply to the director of public works for an individual wastewater discharge permit in accordance with § 18-804(5) of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the director of public works.

(4) Individual wastewater discharge permitting--new connections.

Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 18-804(5) of this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Individual wastewater discharge permit application contents.

(a) All users required to obtain an individual wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under § 18-804(6). The director of public works may require users to submit all or some of the following information as part of a permit application:

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

(B) Contact information, description of activities, facilities, and plant production processes on the premises;

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

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

(B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(C) Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

(E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(iv) Time and duration of discharges;

(v) The location for monitoring all wastes covered by the permit;

(vi) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Tennessee Rule 1200-4-14-.06(5).

(vii) Measurement of pollutants. (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director of public works, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-806(10) of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the director of public works or the applicable standards to determine compliance with the standard.

(E) Sampling must be performed in accordance with procedures set out in § 18-806(11) of this chapter.

(viii) Any other information as may be deemed necessary by the director of public works to evaluate the permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(6) Wastewater discharge permitting--general permits. (General permits shall not apply to the Red Boiling Springs Pretreatment Program.)

(7) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 18-806(14)(a).

(b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director of public works prior to or together with any reports to be signed by an authorized representative.

(8) Individual wastewater discharge permit decisions. The director of public works will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete permit application, the director of public works will determine whether to issue an individual wastewater discharge permit. The director of public works may deny any application for an individual wastewater discharge permit. (as added by Ord. #08-8, Nov. 2008)

18-805. Individual wastewater discharge permit issuance.

(1) Individual wastewater discharge permit duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director of public works. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Individual wastewater discharge permit contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director of public works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 18-805(5) of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an

identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

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

(vi) Requirements to control slug discharge, if determined by the director of public works to be necessary.

(b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

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

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

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

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

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

(viii) Other conditions as deemed appropriate by the director of public works to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(3) Permit issuance process. (a) Public notification. The director of public works shall publish at his discretion a newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment

permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(b) Permit appeals. The director of public works shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the user, may petition the director of public works to reconsider the terms of an individual wastewater discharge permit within fifteen (15) days of notice of its issuance.

(i) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

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

(iii) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(iv) If the director of public works fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(v) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the appropriate court for proper jurisdiction within the appropriate state statute of limitations.

(4) Permit modifications. (a) The director of public works may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(i) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(ii) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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

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

(vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(vii) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 1200-4-14.13;

(viii) To correct typographical or other errors in the individual wastewater discharge permit; or

(ix) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-805(5).

(5) Individual wastewater discharge permit transfer. Individual wastewater discharge permits are issued to a specific user for a specific operation. Individual wastewater discharge permits may not be transferred, reassigned or sold to a new owner, new user, different premise, or a new or changed operation.

(6) Individual wastewater discharge permit revocation or termination. The director of public works may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the director of public works of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the director of public works of changed conditions pursuant to § 18-806(5) of this chapter;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the director of public works timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater

discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.

(7) Individual wastewater discharge permit reissuance. A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 18-804(5) of this chapter, a minimum of sixty (60) days prior to the expiration of the user's existing individual wastewater discharge permit.

(8) Regulation of waste received from other jurisdictions. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the director of public works shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a), above, the director of public works shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information as the director of public works may deem necessary.

(c) An intermunicipal agreement, as required by subsection (a), above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 18-802(4) of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

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

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director of public works; and which of these activities will be conducted jointly by the contributing municipality and the director of public works;

(iv) A requirement for the contributing municipality to provide the director of public works with access to all information that the contributing municipality obtains as part of its pretreatment activities;

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

(vi) Requirements for monitoring the contributing municipality's discharge;

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

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-806. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director of public works a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director of public works a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(i) All information required in §§ 18-804(5)(a)(i)(A), 18-804(5)(b), 18-804(5)(a)(iii)(A), and 18-804(5)(a)(vi).

(ii) Measurement of pollutants.

(A) The user shall provide the information required in § 18-804(5)(a)(vii)(A) through (D).

(B) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph.

(C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with

the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(D) Sampling and analysis shall be performed in accordance with § 18-806(10);

(E) The director of public works may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(F) The baseline 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.

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-801(4)(c) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-806(2) of this chapter.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-806(14)(a) of this chapter and signed by an authorized representative as defined in § 18-801(4)(c).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-806(1)(b)(iv) of this chapter.

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading

to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the director of public works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the director of public works. subsection (3) reports on compliance with categorical pretreatment standard deadline within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director of public works a report containing the information described in §§ 18-804(5)(a)(vi) and (vii) and 18-806(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-802(2), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this chapter shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-806(14)(a) of this chapter. All sampling will be done in conformance with § 18-806(11).

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director of public works a report containing the information described in §§ 18-804(5)(a)(vi) and (vii) and 18-806(1)(b)(ii) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 18-802(2), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the

user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-806(14)(a) of this chapter. All sampling will be done in conformance with § 18-806(11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the director of public works, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the director of public works or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with § 18-806(14)(a) of this chapter.

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

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director of public works, using the procedures prescribed in § 18-811 of this chapter, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the director of public works of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The director of public works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-804(5) of this chapter.

(b) The director of public works may issue an individual wastewater discharge permit under § 18-805(7) of this chapter or modify an existing wastewater discharge permit under § 18-805(4) of this chapter in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of

public works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the director of public works, submit a detailed written report describing the cause(s) of the discharge and the 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notifications procedure.

(d) Significant industrial users are required to notify the director of public works immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the director of public works as the director of public works may require.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the director of public works 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 director of public works within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. The City of Red Boiling Springs prohibits the discharge into the POTW of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical

techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director of public works or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the director of public works. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

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

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 18-806(1) and 18-806(3) [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director of public works may authorize a lower minimum. For the reports required by §18-806(4) (Tennessee Rule 1200-4-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all

records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-802(4)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director of public works.

(14) Certification statements. (a) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-804(7); users submitting baseline monitoring reports under § 18-806(1)(b)(v); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-806(3); users submitting periodic compliance reports required by § 18-806(4)(a)-(d). The following certification statement must be signed by an authorized representative as defined in § 18-801(4)(c):

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. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-807. Compliance monitoring. (1) Right of entry--inspection and sampling. The director of public works shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the

user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director of public works shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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

(c) The director of public works may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly to ensure their accuracy.

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

(e) Unreasonable delays in allowing the director of public works access to the user's premises shall be a violation of this ordinance.

(2) Search warrants. If the director of public works has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director of public works may seek issuance of a search warrant from the Criminal Court of Macon County, Tennessee, located at the Justice Center in Lafayette, Tennessee. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-808. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the director of public works inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director of public works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request

to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #08-8, Nov. 2008)

18-809. Publication of users in significant noncompliance. The director of public works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (d), (d) or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-802;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in § 18-802 multiplied by the applicable criteria (1.4 BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-802 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director of public works determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director of public works exercise of its emergency authority to halt or prevent such a discharge;

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

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports

on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the director of public works determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #08-8, Nov. 2008)

18-810. Administrative enforcement remedies. (1) General--enforcement response plan Red Boiling Springs, Tennessee.

(a) Introduction--definition. An Enforcement Response Plan (ERP) is a document that contains detailed procedures on how a Publicly Owned Treatment Works (POTW) investigates and responds to instances of Industrial User (IU) noncompliance:

§§ 18-810 and 18-811 describe the process for obtaining and evaluating information on industrial user compliance: Identifying noncompliance; selecting an appropriate enforcement action; and resolving noncompliance in a timely, fair, and consistent manner.

(b) Description of terms. (i) "Administrative action" (a fine or order). An enforcement action authorized by the control authority's legal authority which is taken without the involvement of a court.

(ii) "Administrative penalty." A punitive monetary charge unrelated to actual treatment costs, which is assessed by the control authority rather than a court.

(iii) "Administrative order." Document which orders the violator to perform a specific act or refrain from an act.

(iv) "AO." Administrative Order.

(v) "Cease and desist order." An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

(vi) "Civil litigation." Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.

(vii) "Compliance order." An administrative order directing a noncompliant industry to achieve compliance by a date specified in the order.

(viii) "Consent order." An administrative order embodying a legally enforceable agreement between the control authority and the noncompliant industrial user designed to restore the user to compliant status.

(ix) "Criminal prosecution." Pursuing punitive measures against an individual and/or organization through a court of law.

(x) "Control authority." The entity directly administering and enforcing pretreatment standards and requirements against industrial users.

(xi) "Fine." Monetary penalty assessed by control authority officials.

(xii) "I." Inspector.

(xiii) "IU." Industrial User.

(xiv) "Legal authority." The source of a control authority's jurisdiction and regulatory powers.

(xv) "Meeting." Informal compliance meeting with IU to resolve recurring noncompliance.

(xvi) "NOV. (Notice of Violation)." A control authority document notifying an industrial user that it has violated pretreatment standards and requirements.

(xvii) "NPDES (National Pollutant Discharge Elimination System)." A permit system for the direct discharge of pollutants into U.S. waterways.

(xviii) "POTW." Publicly Owned Treatment Works.

(xix) "PC." Pretreatment Coordinator.

(xx) "S." Superintendent.

(xxi) "Show cause order." Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective action and compliance schedules.

(xxii) "SNC." Significant noncompliance (see § 18-809).

(A) Violations of wastewater discharge limits.

(xxiii) "Termination of service." A physical blockage of the sewer connection to a noncompliant user or issuance of a formal notice of termination to the industrial user.

(2) Notification of violation. When the director of public works finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director of public works may serve upon that user a written notice of violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director of public works. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director of public works to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(3) Consent orders. The director of public works may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 18-810(5) and 18-810(6) of this chapter and shall be judicially enforceable.

(4) Show cause hearing. The director of public works may order a user which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director of public works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-801(4)(c) and required by § 18-804(7)(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(5) Compliance orders. When the director of public works finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director of public works may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Cease and desist orders. When the director of public works finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director of public works may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Administrative penalties. (a) When the director of public works finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director of public works may fine such user in an amount not to exceed ten thousand dollars (\$10,000.00). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one percent (1%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the director of public works to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the director of public works may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director of public works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(8) Emergency suspensions. The director of public works may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The director of public works may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director of public works may take such steps as deemed necessary,

including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director of public works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director of public works that the period of endangerment has passed, unless the termination proceedings in § 18-810(9) of this chapter are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director of public works prior to the date of any show cause or termination hearing under §§ 18-810(3) or 18-810(9) of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(9) Termination of discharge. In addition to the provisions in § 18-805(6) of this chapter, any user who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the pretreatment standards in § 18-802 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-810(3) of this chapter why the proposed action should not be taken. Exercise of this option by the director of public works shall not be a bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-811. Judicial enforcement remedies. (1) Injunctive relief. When the director of public works finds that a user has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director of public works may petition the appropriate court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The director of public works

may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil penalties. (a) A user who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of ten thousand dollars (\$10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The director of public works may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal prosecution. (a) Violations--general.

(i) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(b) Falsifying information. (i) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed three thousand dollars (\$3,000.00) per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The director of public works may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director of public works may take other action against any user when the circumstances warrant. Further, the director of public works is empowered to take more than one (1) enforcement action against any noncompliant user.

(5) Enforcement response guide. (Applies to §§ 18-810 and 18-811.)

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(a)	<u>Unauthorized discharges</u> (no permit)		
(i)	<u>Unpermitted discharge</u>		
(A)	IU unaware of requirement; no harm to POTW/environment	Phone call; NOV with application form	PC
(B)	IU unaware of requirements; harm to (POTW)	AO with fine Civil action	PC S
(C)	Failure to apply continues after notice by POTW	Civil action Criminal investigation Terminate service	S S S
(ii)	<u>Nonpermitted discharge</u>		
(A)	IU has not submitted application within ten (10) days of due date	Phone call; NOV	PC
(b)	<u>Discharge limit violation</u>		
(i)	<u>Exceedance of local or federal standard (permit limit)</u>		
(A)	Isolated not significant	Phone call; NOV	I, PC
(B)	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PC
(C)	Isolated, harm to POTW	Show cause order Civil action	PC, S S

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(D)	Recurring, no harm to POTW or environment	AO with fine	PC
(E)	Recurring; significant (harm)	AO with fine Show cause order Civil action Terminate service	PC PC, S S S
(c)	<u>Monitoring and Reporting Violations</u>		
(i)	<u>Reporting violation</u>		
(A)	Report is improperly signed or certified	Phone call or NOV	PC
(B)	Report is improperly signed or certified after notice by POTW	AO Show cause order	PC PC, S
(C)	Isolated, not significant (e.g. 5 days late)	Phone call; NOV	I, PC
(D)	Significant (e.g. report 30 days or more)	AO to submit with fine per additional day	PC
(E)	Reports are always late or no reports at all	AO with fine Show cause order Civil action	PC PC, S S
(F)	Failure to report spill or changed discharge (no harm)	NOV	PC
(G)	Failure to report spill or changed discharge (results in harm)	AO with fine Civil action	PC S
(H)	Repeated failure to report spills	Show cause order Terminate service	PC, S S
(I)	Falsification	Criminal investigation Terminate service	S S
(ii)	<u>Failure to monitor correctly</u>		
(A)	Failure to monitor all pollutants as required by permit	NOV or AO	PC
(B)	Recurring failure to monitor correctly	AO with fine Civil action	PS S

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(iii)	<u>Improper sampling</u>		
(A)	Evidence of intent	Criminal investigation Terminate service	S S
(iv)	<u>Failure to install monitoring equipment</u>		
(A)	Delay of less than 30 days	NOV	PC
(B)	Delay of 30 days or more	AO to install with fine for each additional day	PC
(C)	Recurring, violation of AO	Civil action Criminal investigation Terminate service	PC S S
(v)	<u>Compliance schedules (in permit)</u>		
(A)	Missed milestones by less than 30 days, or will not affect final milestone	NOV or AO with fine	PC
(B)	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO with fine	PC
(C)	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order Civil action Terminate service	PC, S S S
(D)	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	S S S
(d)	<u>Other permit violations</u>		
(i)	<u>Waste streams are diluted in lieu of treatment</u>		
(A)	Initial violation	AO with fine	PC
(B)	Recurring	Show cause order Terminate service	PC, S S
(C)	Does not result in harm	NOV	PC

	<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(D)	Does result in harm	AO with fine Civil action with fine	PC S
(ii)	<u>Failure to mitigate noncompliance or halt production</u>		
(A)	Does not result in harm	NOV	PC
(B)	Does result in harm	AO with fine Civil action	PC S
(iii)	<u>Failure to properly operate and maintain pretreatment facility</u>		
(A)	See 4(d)(ii) above		
(e)	<u>Violations detected during site visits</u>		
(i)	<u>Entry denial</u>		
(A)	Entry denied or consent withdrawn Copies of records denied	Obtain warrant and return to IU	I
(ii)	<u>Illegal discharge during site visits</u>		
(A)	No harm to POTW or environment	AO with fine	PC
(B)	Discharges cause harm or evidence of intent/negligence	Civil action Criminal investigation	S S
(C)	Recurring, violation of AO	Terminate service	S
(iii)	<u>Improper sampling</u>		
(A)	Unintentional sampling at incorrect location	NOV	I, PC
(B)	Unintentionally using incorrect sample type	NOV	I, PC
(C)	Unintentionally using incorrect sample collection techniques	NOV	I, PC
(iv)	<u>Inadequate recordkeeping</u>		
(A)	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
(B)	Recurring	AO with fine	PC

<u>Nature of Violation</u>	<u>Enforcement Response</u>	<u>Personnel</u>
(v) <u>Failure to report additional monitoring</u>		
(A) Inspection finds additional files incomplete to missing (no evidence of intent)	NOV	I, PC
(B) Recurring	AO with fine	PC
(f) <u>Timeframes for responses</u>		
(i) All violations will be identified and documented within five days of receiving compliance information		
(ii) Initial enforcement responses [involving contact with industrial user and requesting information on corrective or preventive action(s)] will occur within 15 days of violation.		
(iii) Follow-up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.		
(iv) Violations, which threaten health, property or environmental quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.		
(v) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.		
(5) Enforcement responses		
(a) Notice of violation		

(as added by Ord. #08-8, Nov. 2008)

18-812. Supplemental enforcement action. The City of Red Boiling Springs will not enforce any supplemental actions at this time. (as added by Ord. #08-8, Nov. 2008)

18-813. Affirmative defenses to discharge violations. (1) Upset.

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

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

(iii) The user has submitted the following information to director of public works within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days];

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

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

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

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

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-802(1)(a) of this chapter or the specific prohibitions in § 18-802(1)(b)(iii) through (ix) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass. (a) For the purposes of this section:

(i) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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

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

(c) Bypass notifications. (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director of the public works, at least ten (10) days before the date of the bypass, if possible.

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

the bypass. The director of public works may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass. (i) Bypass is prohibited, and the director of public works may take an enforcement action against a user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The user submitted notices as required under subsection (c) of this section.

(ii) The director of public works may approve an anticipated bypass, after considering its adverse effects, if the director of public works determines that it will meet the three (3) conditions listed in subsections (d)(i) of this section. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-814. Wastewater treatment rates. (1) User charge. (a) User charge shall be the charge levied on all users including, but not limited to persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewerage facilities.

(b) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(c) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(d) The approving authority of sewerage facilities shall review annually the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The control authority shall revise the user charge, if necessary, to accomplish the following:

(i) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(ii) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities, the

interest expenses on debt, and the principal repayment or depreciation (whichever is greater).

(e) All flow to the sewerage facilities attributable to the users (i.e. infiltration/inflow) shall be distributed based upon the volume of flow of the users.

(f) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.

(g) Revenue derived from a wastewater project funded by a state revolving loan; including but not limited to, sale of treatment-related byproducts; lease of land; or sale of crops grown on land purchased, shall offset current user charges as well as moderate future rate increases.

(h) If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations, requiring this chapter.

(i) This user charge system shall take precedence over the terms or conditions of contracts between the city and users which are inconsistent with the requirements of this chapter.

(j) The city shall establish rates for service from time to time. The rates will be available from the city clerk upon request. The rates shall be based upon the cost categories described as operation, maintenance, and replacement; interest; and principal repayments or depreciation, whichever is greater.

(2) Industrial waste surcharge. (a) In the event the user discharges industrial wastes to the sewerage facilities having an average Biochemical Oxygen Demand (BOD) content in excess of three hundred (300) mg/l, and/or an average Suspended Solids (SS) content in excess of three hundred (300) mg/l, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of forty (40) mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

(b) The costs of treatment for each pound of BOD, SS, and TKN removed by the sewerage facilities shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewerage billing. These rates shall be in effect until the next annual rate review.

(3) Validity. The provisions of this chapter shall supersede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Red Boiling Springs.

It is hereby declared the intention of city council that sections, paragraphs, sentences, clauses, and words of this chapter are severable, and if any such section, paragraph, sentence, clause, or word be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any

remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional sections, paragraphs, sentences, clauses or word.

(4) Sewer connection fees. (a) Definitions. For the purpose of this section only, which deals with sewer connection fees, the following terms shall have the following meanings:

(i) "Residential user" means the owner or occupant of a dwelling.

(ii) "Commercial user" means the owner or occupant of a premise other than a dwelling, and other than a manufacturing plant employing more than twenty (20) persons on a regular basis. Commercial users include, but are not limited to, hotels, apartment buildings, retail stores, restaurants, nursing homes, service stations, beauty or barber shops, government buildings, banks, churches, doctor offices, and other similar businesses or enterprises.

(iii) "Industrial users" means the owner or occupant of a premise used for a manufacturing plant employing more than twenty(20) persons on a regular basis.

(iv) "Dwelling" means any single structure, with auxiliary buildings, occupied by no more than one household for residential purposes.

(v) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term premise does not include more than one dwelling.

(vi) "User" means any premise receiving water service from the city.

(vii) "Low income" means the total annual household income is less than \$14,950.00 for a one (1) person household; \$17,100.00 for a two (2) person household; \$19,200.00 for a three (3) person household; \$21,350.00 for a four (4) person household; \$23,050.00 for a five (5) person household; \$24,800.00 for a six (6) person household; \$26,500 for a seven (7) person household; and \$28,200.00 for an eight (8) person household.

(b) Amount of fees. No permit to connect to any public sewer or appurtenance thereof shall be granted unless the applicant first pays to the city a sewer connection fee as follows:

(i) For residential users within the city limits, the sewer connection fee shall be five hundred dollars (\$500.00); for residential customers outside of the city limits, the sewer connection fee shall be seven hundred fifty dollars (\$750.00).

(ii) For commercial users inside the city limits, the sewer connection fee shall be six hundred dollars (\$600.00); for

commercial users outside of the city limits, the sewer connection fee shall be eight hundred fifty dollars (\$850.00).

(iii) For industrial users, the sewer connection fee shall be two thousand dollars (\$2,000.00).

(c) Installment payments. A low-income residential user shall have the option to pay the sewer connection fee in not less than twelve (12) equal monthly installments by submitting application with sufficient information to determine if the applicant qualifies as a low-income user and, if the applicant does qualify, by signing a contract agreeing to make all installment payments in order to pay the sewer connection fee in full. All residential users and all commercial users, regardless of income, shall have the option to pay the sewer connection fee at the rate of half, at the time the permit to connect is issued, and the balance within sixty (60) days.

(d) Future sewer mains. The deadline to pay the lower sewer connection fee applies only to those premises which are serviceable by a sewer main to be installed pursuant to the city's contract with Tidwell & Associates, which contract was approved by the city council on February 26, 1992. Premises which may be serviceable by sewer mains to be constructed pursuant to future contracts, may be granted a lower connection fee even after the deadline established by this section for paying the lower sewer connection fee.

(e) Special cases. The connection fee to be paid by the Macon County Board of Education for extending a sewer line to serve the Red Boiling Springs School, or any other customers requiring extensions of lines in order to serve such customers, shall be determined as a matter of contract between the city and the board of education or other customer, in order for the city to recover its cost in extending such line.

(5) Schedule of rates. (a) Inside rates. The following shall be the schedule of monthly charges for sewer service furnished to premises located inside of the corporate limits of the City of Red Boiling Springs, to-wit:

WATER USAGE	AMOUNT
First 2,000 gallons	\$10.00 (minimum bill)
Over 2,000 gallons	\$ 5.00 per thousand gal.

(b) Outside rates. The following shall be the schedule of monthly charges for sewer service furnished to premises located outside of the corporate limits of the City of Red Boiling Springs, to-wit:

WATER USAGE	AMOUNT
First 2,000 gallons	\$15.00 (minimum bill)
Over 2,000 gallons	\$ 7.50 per thousand gal.

(c) Gross amount. The monthly sewer bill computed by using the above rates shall produce the "net amount" which is due and payable no later than fifteen (15) days from the date the bill is mailed, which date shall be called the "discount date." If the bill is not paid by the discount date, an additional ten percent (10%) shall be added to the "net amount" to produce the "gross amount."

(6) Truck and recreational vehicle discharge fees. (a) The application fee for a truck discharge operation permit shall be twenty-five dollars (\$25.00). Permit holders shall pay for each truck discharge at a fee of twenty-five dollars (\$25.00) per thousand gallons.

(b) The fee to discharge waste from a recreational vehicle shall be five dollars (\$5.00) per discharge.

(7) Transfer fee. There shall be a non-transferable fee for transfer of service from any person, individual, firm, business, industry or corporation who receives service from the city under either an expressed or implied contract. Said transfer fee shall be twenty-five dollars (\$25.00) for all customers inside the corporate limits of the City of Red Boiling Springs, and thirty-five dollars (\$35.00) for any and all customers outside the corporate limits of the City of Red Boiling Springs.

(8) Non-refundable connection fee for sewer use. In addition to any other connection fee or charge, there shall be charged to each and every user to connect to the sewer system a non-refundable connection fee of fifteen dollars (\$15.00), for any and all customers located inside the corporate limits of the City of Red Boiling Springs. There shall be a non-refundable connection fee of twenty-five dollars (\$25.00) for any and all customers located outside the corporate limits of the City of Red Boiling Springs.

(9) Adjustment for leaks in billing. If a customer has a leak in the part of the system required to be maintained by the customer, as set for herein, the customer will be allowed only one (1) billing adjustment within each twelve (12) month period, providing the customer shall provide satisfactory proof that the leak has been repaired. Whether or not the customer has produced satisfactory proof that the leak has been repaired shall be determined in the sole discretion of RBS Utilities and/or the city. The bill for usage during the current period of adjustment shall be the average of the last three (3) monthly bills.

(10) Qualified and certified operator(s) required. The city shall hire and maintain qualified and certified operator(s) for the system. Said operators shall meet all requirements for qualifications, as established by the appropriate state

agencies, departments, laws and/or regulations. (as added by Ord. #08-8, Nov. 2008, as amended by Ord. #10-1, Feb. 2010)

18-815. Miscellaneous provisions. (1) Pretreatment charges and fees. The City of Red Boiling Springs may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in § 18-815(1)(b)) associated with the enforcement activity taken by the director of public works to address IU noncompliance; and

(f) Other fees as the City of Red Boiling Springs may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the city.

(2) Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(3) Provision of service. (a) Application and contract for sewer service. Prior to use of the POTW and/or sewer system, all prospective users shall be required to sign a written application for service and a standard form contract for service before service is supplied. Users requiring the installation of special equipment by the control authority may be required to sign a form of contract guaranteeing a minimum charge for such a period of time as may be required by the city and/or control authority, but, in the absence of a completed application and contract, the usage by the user shall bind the user to the terms of the city's and/or control authority's standard form application and/or contract. If for any reason user, after signing application and/or contract for service, does not take the service, he/she shall reimburse the city and control authority for the expense incurred by reason of its endeavor to furnish such service.

(b) Temporary service. Any user requiring temporary service may be required to pay all costs as determined by the control authority for connection and disconnection incidental to the supplying and removal of service, in addition to the regular sewer rate charges.

(c) Billing. All bills for sewer service will be rendered monthly as a part of the regular monthly water billing and shall be computed using the applicable rates or charges in effect at the billing date. Billings will be computed and stated on a net and a gross basis. Such billings shall be payable in the net amount only if paid within the discount period stated on the bill; otherwise the bill is payable in the gross amount. Should the final date for payment of the bill at the net rate fall on a Sunday or holiday, the business day next following the final date will be held as the last day to obtain the net rate. Remittance or net rate payment received by mail after the time limit for payment of said net rate will be accepted by the control authority if the incoming envelope bears United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto. Failure to receive bill shall not release user from his obligation to make payment nor extend the discount date. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the control authority by such user. In the event sewer service bills are not paid on or before the discount date, water service may be discontinued upon five (5) days' written notice to user and not again resumed until all bills are paid. The control authority shall not be liable for damages on account of such discontinuance of service, even though payment of such bills be made on the same day either before or after service is actually discontinued.

(d) Point of delivery--water services. The sewer service rates are based upon the supplying of water service to an entire premise through a single delivery and metering point. If water service is rendered to any user or premise through more than one delivery point, the control authority will bill each such delivery point as a separate service.

(e) Multiple service through a single meter-water. Where the control authority, as distributor of water, allows more than one dwelling or premise to be served through a single service line and meter, the monthly water billing for each such dwelling or premise will be computed in accordance with the rules and regulations for the distribution of water. The sewer service charge for each such dwelling or premise thus served shall then be computed at the control authority's applicable sewer service charge rates.

(f) Discontinuance of service. The control authority, as the distributor of water, may disconnect its water service and may refuse to reconnect water service for a violation of this chapter, for failure to comply with any of its water rules and regulations, for violation of any provision of the user's application or contract with the control authority for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for

payments that thereafter become due under the provisions of any contract between the user and the control authority.

(g) Termination of service by customer. Users who have fulfilled their contract terms and wish to discontinue service must give at least five (5) days' written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve user from any minimum or guaranteed payment under contract or applicable rate schedule.

(h) Notice of trouble. User shall notify the control authority immediately of any known defects, trouble or accident affecting the sewerage system.

(i) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the control authority will then be maintained by the control authority. Connections with existing mains may be made only by the control authority, at the user's expense, and after inspection of service lines ensure authority, at the user's expense, and after inspection of service lines ensure conformation with requirements of the building permit and the avoidance of any health hazard or interference with the existing system.

(j) Scope. These rules, regulations and rate schedules are a part of all contracts for receiving sewerage service from the control authority and apply to all service received from the control authority whether the service is based upon contract, signed application or otherwise. (as added by Ord. #08-8, Nov. 2008)