

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

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2. SEWERS.
3. INDUSTRIAL WASTEWATER.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

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<sup>1</sup>Municipal code references

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water and sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1985 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) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property or up to a maximum of thirty (30) feet, whichever is shorter. 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 municipality's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

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

(6) "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. (1985 Code, § 13-102)

**18-103. Application and contract for service.** Each prospective customer desiring water service will be required before service is supplied to deposit a sum of money as prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution. If, for any reason, a customer, after making the required deposit, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1985 Code, § 13-103)

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<sup>1</sup>This rate schedule is of record in the city recorder's office.

**18-104. 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 used. (1985 Code, § 13-104)

**18-105. Connection and turn-on charges.** Service lines will be laid by the city from the water main to the property line or up to a maximum of thirty (30) feet, whichever is shorter, at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new water or sewer service line will be laid by the city, the applicant shall make a deposit prescribed by a rate schedule,<sup>1</sup> which the city may from time to time adopt by resolution.

This deposit shall be used to pay the cost of laying such a new service line and appurtenant equipment.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

There shall be a standard fee of five dollars (\$5.00) for turning on water (or gas) for customers' after normal working hours for city employees and on Sundays and holidays. (1985 Code, § 13-105)

**18-106. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

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 a 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 a meter without the passage of such water being registered fully by the meter. (1985 Code, § 13-106)

**18-107. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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<sup>1</sup>This rate schedule is of record in the city recorder's office.

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1985 Code, § 13-107)

**18-108. Water cut-off valve.** Any person, firm, or corporation building or materially altering any structure which would necessitate the installation or construction of a water line from the city meter immediately adjacent to the said structure shall install a cut-off valve in the said water line immediately adjacent to the structure.

It is the intention and purpose of this section to require the water cut-off valve to be installed in such a manner that should the water inside the structure be cut off for any reason it will not be necessary to cut the water off in the water meter. (1985 Code, § 13-108)

**18-109. 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. (1985 Code, § 13-110)

**18-110. Billing.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice conforming to § 18-111 shall be mailed to the customer. The notice shall advise the customer that his service may be disconnected. 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.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

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. (1985 Code, § 13-111)

**18-111. Discontinuance or refusal of service.** The board of commissioners shall have the right to discontinue 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, including the nonpayment of bills.
- (2) The customer's application for service.
- (3) The customer's contract for service.

The right to discontinue service shall apply to all services 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.

No service shall be discontinued unless the customer is given reasonable written notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1985 Code, § 13-112)

**18-112. Reconnection charge.** Whenever service has been discontinued as provided for above, a reconnection charge of one dollar (\$1.00)

shall be collected by the city before service is restored, provided that reconnections done after normal hours and on Sunday or holidays shall be charged in the amount provided in § 18-105. (1968 code, § 13-113)

**18-113. Termination of service by customer.** Customers who wish to discontinue service must give at least three (3) days written notice to that effect unless an existing 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 the ten (10) day period.

(2) During the 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. (1985 Code, § 13-114)

**18-114. 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. (1985 Code, § 13-115)

**18-115. 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 city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements or 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. (1985 Code, § 13-116)

**18-116. 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 to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1985 Code, § 13-117)

**18-117. 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. (1985 Code, § 13-118)

**18-118. 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. (1985 Code, § 13-119)

**18-119. 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. (1985 Code, § 13-120)

**18-120. Limited use of unmetered private fire line.** 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. (1985 Code, § 13-121)

**18-121. 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. (1985 Code, § 13-122)

**18-122. 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 water service, the city has failed to cut off such service.

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

(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. (1985 Code, § 13-123)

**18-123. 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. (1985 Code, § 13-124)

**18-124. 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 city water systems, 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. (1985 Code, § 13-125)



**18-125. Schedule of rates.** All water furnished by the city shall be furnished under such rate schedules as the city may from time to time adopt by resolution.<sup>1</sup> (1985 Code, § 13-109)

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<sup>1</sup>Administrative regulations are of record in the office of the city recorder.

## CHAPTER 2

### SEWERS<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses and sewers restricted.
- 18-212. Classification of inspection applications, permits and fees.
- 18-213. Sewer installation and maintenance expenses.
- 18-214. Sewer installation standards.
- 18-215. Excavations.
- 18-216. Sewage control devices.
- 18-217. Unauthorized interference with city sewage works.
- 18-218. Power and authority of inspectors.
- 18-219. Enforcement of chapter.
- 18-220. Carnivals, circuses, etc.
- 18-221. Violations.

**18-201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred (100) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "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 1958 bulletin entitled

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

"Recommended Construction of Septic Tanks and Disposal Fields for Residential Uses." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it shall 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.

(3) "Building drain." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage piped inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

(4) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.

(5) "Combined sewer." A sewer receiving both surface runoff and sewage.

(6) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(7) "Human excreta." The bowel and kidney discharges of human beings.

(8) "Industrial wastes." The liquid wastes from industrial processes as distinct from sanitary sewage.

(9) "Inspector" shall mean the person or persons duly authorized by the city, to inspect and approve the installation of building sewers and their connection to the public sewer system.

(10) "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.

(11) "Person." Any individual, firm, company, association, society, corporation, or group.

(12) "Public sewer." A sewer in which all owners of abutting properties have equal right and is controlled by public authority.

(13) "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.

(14) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

(16) "Sewage works." All facilities for collecting, pumping, creating, and disposing of sewage.

(17) "Sewer." A pipe or conduit for carrying sewage.

(18) "Shall" is mandatory; "May" is permissive.

(19) "Superintendent". The Superintendent of the Municipal Sewage Works of the City of South Fulton, Tennessee, or his authorized deputy, agent or representative.

(20) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1985 Code, § 13-201)

**18-202. 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. (1985 Code, § 13-202)

**18-203. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1985 Code, § 13-203)

**18-204. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such system 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. (1985 Code, § 13-204)

**18-205. 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. (1985 Code, § 13-205)

**18-206. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1985 Code, § 13-206)

**18-207. 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. (1985 Code, § 13-207)

**18-208. 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 § 18-202, or the agent of the owner, to provide such facilities within ninety (90) days after date of official notice to do so. (1985 Code, § 13-208)

**18-209. 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. (1985 Code, § 13-209)

**18-210. 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. (1985 Code, § 13-210)

**18-211. Discharge into watercourses and sewers restricted.**

(1) 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.

(2) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(3) 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.

(4) No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(5) The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(6) Specific pollutant limitations: It shall be unlawful for any person to discharge wastewater containing any one or more of the following metals in excess of the amounts shown below:

<u>METALS</u>	<u>MICRO GRAMS PER LITER</u>
Cadmium	1.6
Chromium	158.0
Copper	55.3
Cyanide	11.0
Lead	37.8
Nickel	214.3
Zinc	156.2
Phenol	1.6

(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.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written

request to governmental agencies for uses related to this section, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user. (1985 Code, § 13-211, as amended by Ord. #87-2, April 1987)

**18-212. Classification of inspection applications, permits, and fees.** There shall be two (2) classes of building sewer inspections:

- (1) For residential and commercial service, and,
- (2) For service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the city. The inspection applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of two dollars (\$2.00) for a residential or commercial building sewer inspection and three dollars (\$3.00) for an industrial building sewer inspection shall be paid to the city recorder at the time the application is filed. (1985 Code, § 13-212)

**18-213. Sewer installation and maintenance expenses.** All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner or the person installing the building sewer for said owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation. Before a connection to the public sewer can be made the owner will be required to deposit the cost of the tap or a reasonable estimate of the cost at the time the sewer tap is requested to be made.

After the installation date of the sewer tap, the responsibility for repairing, maintaining and eliminating stoppage in the sewer line, which is on the owner's property, shall be the entire responsibility of the property owner.

The property owner is responsible for reimbursing the city for any work that is done on that part of the sewer line within the street right-of-way, if there is a stoppage in said sewer line caused by an item or items placed therein by the owner or any person using the property of the owner. (1985 Code, § 13-213)

**18-214. Sewer installation standards.** The following standards shall apply to the installation of sewers under this chapter:

(1) Every building to be provided with independent sewer. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

(2) Use of old sewer in new building. Old building sewers, or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter.

(3) Materials to be used for construction of building sewers. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe or Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fitting. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the said inspector.

(4) How joints and connections are to be made. All joints and connections shall be made gas tight and water tight. Vitrified Clay Sewer Pipe shall be fitted with factory made Resilient Compression Joints meeting the A.S.T.M. "Specification for Vitrified Clay Pipe Joints Having Resilient Properties" (designation C425).

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved.

(5) Size and slope of building sewer. The size and slope of the building sewers shall be subject to the approval of the inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot. A slope of one-fourth (1/4) inch per foot shall be used wherever practical.



(6) Elevation of building sewer. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. specification (designation C12) except that no backfill shall be placed until the work has been inspected by the inspector or his representative.

(7) Elevation of building drain. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

(8) Connection of building sewer to public sewer. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the inspector. All connections to the public sewer whether at a designated "Y" branch or otherwise shall be done by city personnel.

(9) Inspection required before connection of building sewer to public sewer. The applicant for the building sewer shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (1985 Code, § 13-214)

**18-215. Excavations.**<sup>1</sup> All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said city. (1985 Code, § 13-215)

**18-216. Sewage control devices.** (1) When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be

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<sup>1</sup>Municipal code references

Control and use of power equipment on property: title 20, chapter 2.  
Excavations and cuts: title 16, chapter 2.

determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Grease, oil, and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (1985 Code, § 13-216)

**18-217. Unauthorized interference with city sewage works.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage work. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1985 Code, § 13-217)

**18-218. Powers and authority of inspectors.** The superintendent, inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (1985 Code, § 13-218)

**18-219. 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 term 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 ninety (90) 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, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1985 Code, § 13-219)

**18-220. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of person 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 ninety (90) days provided for in the preceding section. (1985 Code, § 13-220)

**18-221. Violations.** Any person, persons, firm, association, 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. (1985 Code, § 13-221)

## CHAPTER 3

### INDUSTRIAL WASTEWATER

#### SECTION

18-301. General provisions.

18-302. Regulations.

18-303. Fees.

18-304. Administration.

18-305. Enforcement of industrial wastewater discharge permit.

**18-301. General provisions.** (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of South Fulton and enables the city to comply with all applicable state laws and regulations and federal laws required by the Federal Water Pollution Control Act of 1972 and its subsequent amendments, and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To protect the public health;
- (b) To prevent the introduction of pollutants into the POTW system which will interfere with the operation of the system or contaminate the resulting sludge;
- (c) To prevent the introduction of pollutants into the POTW system in amounts which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW system; and
- (e) To provide for the full and equitable distribution of the cost of the POTW system.

This chapter provides for the regulation of contributors to the POTW system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees and charges for the equitable distribution of costs relating to the administration, operation, maintenance, amortization of debt and depreciation of the POTW.

This chapter shall apply to the City of South Fulton and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided herein, the city manager of the POTW shall administer, implement, and enforce the provisions of this chapter.

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

(a) "Act or "the Act"." The Federal Water Pollution Control Act, enacted by Public Law 92.500, October 18, 1972, 33 USC 1251 et. seq.; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

(b) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation.

(c) "Authorized Representative of Industrial User." An authorized representative of an Industrial User may be:

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

(ii) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;

(iii) 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.

(d) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration.

(e) "Building Sewer." A sewer conveying wastewater from the premises of an Industrial User to the POTW.

(f) "Categorical Pretreatment Standards." See National Pretreatment Standard or Pretreatment Standard.

(g) "Categorical Industrial User." An Industrial User subject to Categorical or National Pretreatment Standards.

(h) "Chronic Violation." The term used to describe violations of an Industrial Wastewater Discharge Permit when the limit for any one parameter listed in the Permit is exceeded by any magnitude for sixty-six (66) percent or more of the total industrial self-monitoring plus Control Authority Compliance monitoring measurements made in the six month period covered by the semi-annual report required by the Approval Authority.

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

(j) "Control Authority." The term "Control Authority" shall refer to the City Manager or his authorized representative.

(k) "Conventional Pollutants." Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(l) "Daily Maximum Limits." The maximum allowable discharge 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 limitations 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) "Direct Discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(n) "Domestic Wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit, or dwelling unit equivalent, containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and Industrial Users.

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

(p) "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.

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

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

(s) "Industrial User (IU)." A source of non-domestic waste. Any non-domestic source discharging pollutants to the POTW.

(t) "Industrial Wastewater Discharge Permit." As set forth in section 18-304(3) of this chapter.

(u) "Instantaneous Maximum Limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(v) "Interference." An indirect discharge which, alone or in conjunction with an indirect discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(ii) Therefore, 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

(w) "National Pretreatment Standard or Pretreatment Standard." Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the ACT which applies to a specific category of Industrial Users and provides limitations on the introduction of pollutants into POTW's (40 CFR 403.6 and 405-471). This term includes the national prohibited discharge standards under 40 CFR 403.5, including local limits [40 CFR 403.3 (j)].

(x) "National Prohibitive Discharges." Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW's set forth in 40 CFR 403.5.

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

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

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

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

same general type of activity as the existing source should be considered.

(A) Construction on the 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 this paragraph but otherwise alters, replaces, or adds to existing process or production equipment.

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

(1) Begun, or caused to begin as part of a continuous on-site construction program;

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

(b) 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

(2) 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.

(z) "National Pollutant Discharge Elimination System or NPDES Permit." A permit issued to a POTW pursuant to Section 402 or the Act.

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

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

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



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

(ee) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. [40 CFR Section 403.3(q)].

(ff) "Pretreatment Requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User, including but not limited to discharge limits, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.

(gg) "Prohibited Discharge." Discharge of a pollutant which may cause pass-through or interference to the POTW, pursuant to 40 CFR 403.5.

(hh) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

(ii) "POTW Treatment Plant." That portion of the POTW designed to provide treatment to wastewater.

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

(kk) "Sanitary Sewer." A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(ll) "Significant Industrial User." Any Industrial User of the POTW system who:

(i) is a categorical Industrial User, or

(ii) has a discharge flow to the POTW of 25,000 gallons or more per average work day of process wastewater (excluding sanitary, noncontact cooling and boiler blow down wastewater), or

(iii) has a process wastewater discharge flow or conventional pollutant waste load greater than 5% of the base flow or waste load in the POTW system, or

(iv) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Tennessee Statutes or rules, or

(v) is found by the City, Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality, or air emissions generated by the POTW system.

(mm) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements which meet one or more of the following criteria:

(i) Violations of wastewater discharge limits.

(A) Chronic Violations,

(B) Technical review criteria (TRC) violations,

(C) Any other violation(s) of an industrial wastewater discharge permit effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public, or

(D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has 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 an enforcement order by 90 days or more after the schedule date. Milestone may include but not be limited to dates for starting construction, completing construction and attaining final compliance.

(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 reports noncompliance.

(nn) "Significant Violation." A violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under CFR 403.8(f) (2) (vi) (B) and 403.8(f) (2) (vii).

(oo) "State." State of Tennessee.

(pp) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the

Executive Office of the President, Office of Management and Budget, 1987.

(qq) "Storm Water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(rr) "Surcharge." A fee charged to Industrial Users in excess of the normal sewer user charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW treatment plant was designed to treat, but which do not cause an interference with the POTW.

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

(tt) "Technical Review Criteria (TRC) Violation." The term used to describe violations of an Industrial Wastewater Discharge Permit when:

(i) The limit for Biochemical Oxygen Demand, Total Suspended Solids, Ammonia Nitrogen, fats, oil and grease is exceeded by 140 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in the six-month period covered by the semiannual report required by the approval authority.

(ii) The limit for any other pollutant, except pH, is exceeded by 120 percent for thirty-three (33) percent or more of the total industrial self-monitoring plus Control Authority compliance monitoring measurements made in the six-month period covered by the semi-annual report required by the Approval Authority.

(uu) "Toxic Pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act (40 CFR 403 Appendix B).

(vv) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.

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

(xx) "Waters of the State." All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private,

which are contained within, flow through, or border upon the state of any portion thereof.

(yy) "City." The City of South Fulton and/or the Mayor and Council of the City of South Fulton.

(3) Abbreviations. The following abbreviations shall have the designated meanings:

<u>BOD</u>	-	Biochemical Oxygen Demand
<u>CFR</u>	-	Code of Federal Regulations
<u>COD</u>	-	Chemical Oxygen Demand
<u>EPA</u>	-	Environmental Protection Agency
<u>l</u>	-	Liter
<u>mg</u>	-	Milligrams
<u>mg/l</u>	-	Milligrams per liter
<u>NH3-N</u>	-	Ammonia Nitrogen
<u>NPDES</u>	-	National Pollutant Discharge Elimination System
<u>POTW</u>	-	Publicly Owned Treatment Works
<u>SIC</u>	-	Standard Industrial Classification
<u>SWDA</u>	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
<u>USC</u>	-	United States Code
<u>TSS</u>	-	Total Suspended Solids (1985 Code, § 13-302, as replaced by Ord. #94-7, § 1, June 1994)

**18-302. Regulations.** (1) Use of public sewers required. 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 South Fulton, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge any wastewater to any waters of the state within the city, or in any area under the jurisdiction of the city.

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 wastewater within the City of South Fulton.

The owner of all houses, building or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of South Fulton, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the POTW, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer by means of a building sewer in accordance with the provisions of this chapter within 60 days after official notice to do so. Such connection shall be made at the place and in the manner as directed by the Control Authority.

Where a POTW sanitary sewer is not available within 500 feet of the building sewer, the building sewer shall be connected to a private subsurface

sewage disposal system complying with the provisions of this chapter and the Tennessee Department of Environment and Conservation, Division of Groundwater Protection Chapter 1200-1-6, New and Amended Rules, Regulations to Govern Subsurface Sewage Disposal Systems.

The owner of any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation necessary to obtain a grade equivalent to 1/8-inch per foot in the building sewer, but is otherwise accessible to a public sewer as provided in section 18-302 (1). The owner shall provide a private sewage pumping station (grinder pump) to convey wastewater into the POTW sanitary sewer.

(2) Building sewers and connections. (a) General. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any POTW sanitary sewer or appurtenance thereof without first obtaining a written permit from the control authority.

All cost and expense incidental to the installation and connection of the building sewer to the POTW sanitary sewer shall be borne by the user. The user shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the control authority, meeting all requirements of this chapter. All others must be sealed to the specifications of the control authority.

(b) "Building sewer construction." Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be six (6) inches.

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

(iii) Six (6) inch building sewers shall be laid on a grade equal to or 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 (1) cast iron soil pipe or ductile iron pipe with compression joints or (2)

polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap onto the POTW sanitary sewer and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

(vii) Connections of building sewers to POTW sanitary sewer shall be made at 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 control authority. 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 POTW sanitary sewer is at a grade of 1/8-inch per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building drain is too low to permit gravity flow to the POTW sanitary sewer, wastewater 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 method to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the 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 control authority before installation.

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

(xi) 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 control authority.

(xii) No person shall make connection of roof downspouts, exterior foundation drains, area 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 POTW sanitary sewer.

(c) Inspection of connections. (i) The connection to the POTW sanitary sewer and all building sewers from the building to the POTW sanitary sewer shall be inspected by the control authority before the underground portion is covered.

(ii) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the POTW sanitary sewer. The connection shall be made under the supervision of the control authority.

(d) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is water tight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet specifications of the city. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the city manager may take any of the following actions.

(i) Notify the user in writing of the nature of the problem(s) identified on the User's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the user.

(ii) Notify the user in writing of the nature of the problem(s) identified on the user building sewer and inform the user that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer

within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the user. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the user shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work.

(3) General discharge prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all user's of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW.

(a) Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limits (LEL) of the meter or have a closed cup flashpoint of less than 140 degrees F using the test method specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having pH less than 6.0 or more than 9.0, or wastewater having any other corrosive property capable of causing



damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed any limitation set forth in a Categorical Pretreatment Standard.

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

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

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater with objectionable color which causes discoloration of the POTW treatment plant effluent to the extent that the NPDES permit is violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which will cause the wastewater temperature at the introduction into the POTW to exceed 40 degrees C (104 degrees F).

(j) Any pollutants, including oxygen demanding pollutants, such as BOD, NH<sub>3</sub>-N, and oil and grease, released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a discharge to the POTW have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits

established by the city manager in compliance with applicable state or federal regulations.

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

(m) Any wastewater containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, or other substances which may solidify or become viscous at temperatures between 0 degrees C (32 degrees F) and 40 degrees C (104 degrees F) and/or cause interference or pass-through at the POTW treatment plant.

(n) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the city manager and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the city manager and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(o) Any trucked or hauled pollutants except at discharge points designated by the POTW.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall: (1) Advise the user of the impact of the contribution on the POTW; and (2) Develop effluent limitations for such user to correct the interference with the POTW.

(4) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards for new and existing sources set out in 40 CFR, Subchapter N, Parts 405 through 471 shall serve as the minimum requirements for all applicable Industrial Users.

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under section 18-302(6) of this chapter for industrial users in that subcategory, shall immediately supersede the limitations imposed under section 18-302(6) of this chapter. The control authority shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Modification of National Categorical Pretreatment Standards. If the POTW system achieves consistent removal of pollutants limited by National Pretreatment Standards, the city may apply to the approval authority for modification of specific limits in the National Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of

the samples taken when measured according to the procedures set forth in Section 403.7(a) (3) (ii) of Title 40 of the Code of Federal Regulations, Part 403-General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the National Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(6) Specific pollutant limitations. (a) Restrictions on wastewater strength. No person shall discharge wastewater containing in excess of the concentrations listed for each of the following pollutants:

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Copper	9.0	18.0
Total Chromium	14.0	28.0
Nickel	8.2	16.4
Cadmium	2.4	4.8
Lead	1.2	2.4
Mercury	0.1	0.2
Silver	2.4	4.8
Zinc	4.2	8.4
Cyanide	1.9	3.8
Toluene	2.6	5.2
Benzene	0.4	0.8
1,1,1, Trichloroethane	12.6	25.2
Ethylbenzene	1.0	2.0
Carbon Tetrachloride	1.6	3.2
Chloroform	8.0	16.0
Tetrachloroethylene	3.0	6.0
Trichloroethylene	6.2	12.4
1,2 trans Dichloroethylene	1.6	3.2
Methylene Chloride	17.4	34.8
Total Phenols	3.4	6.8
Naphthalene	0.4	0.8
Total Phthalates	4.2	8.4

\*Based on 24-hour flow proportional composite samples.

Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent

methods approved by the United States Environmental Protection Agency.

(b) Criteria to protect the POTW treatment plant influent. The city shall monitor the POTW treatment plant influent for each parameter in the following table. Analyses for all pollutants listed herein shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. All Industrial Users shall be subject to the reporting and monitoring requirements set forth in section 18-304(3)(h), Reporting Requirements for Permittee, and section 18-304(3)(j), Inspection and Sampling, as to these parameters. In the event that the influent at the POTW treatment plant reaches or exceeds the levels established by said table, the control authority shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the city such remedial measures as are necessary including, but not limited to recommending the establishment of new or revised pretreatment levels for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or in regulation affecting same or in the event changes are needed for more effective operation of the POTW.

Parameter	Benzene 1,1,1 Trichloroethane Ethylbenzene	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)
BOD *		200
TSS *		200
NH3-N		20
Oil & Grease		100
Copper		0.20
Total Chromium		0.16
Nickel		0.40
Cadmium		0.01
Lead		0.13
Mercury		0.001
Silver		0.02
Zinc		0.48
Cyanide		0.73
Toluene		0.13

<p>0.02 0.63 0.05</p>	<p>Maximum Instantaneous Concentration Grab Sample (mg/1)</p>	<p>400 400 40 200 0.40 0.32 0.80 0.02 0.26 0.002 0.04 0.96 1.46 0.26 0.04 1.26 0.10</p>	<p>Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/1)</p>	<p>Maximum Instantaneous Concentration Grab Sample (mg/1)</p>
<p>Parameter</p> <p>Carbon Tetrachloride Chloroform Tetrachloroethylene Trichloroethylene 1,2 trans Dichloroethylene Methylene Chloride Total Phenols Naphthalene Total Phthalates</p>	<p>0.08 0.40 0.15 0.31 0.08 0.87 0.17 0.02 0.21</p>	<p>0.16 0.80 0.30 0.62 0.16 1.74 0.34 0.04 0.42</p>		

\*Wastewater Treatment Plant Design Value.

(7) Conventional pollutants. (a) BOD TSS and NH3-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH3-N). If an Industrial User discharges concentrations of these pollutants in excess of the Criteria to Protect the POTW Treatment Plant influent listing in section 18-302(6)(b) of this chapter, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed in Section 18-302(6)(b) of this chapter for any of the conventional pollutants such as BOD, TSS, and/or NH3-N will be subject to a surcharge. The formula for this surcharge is listed in section 18-303(3) of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for BOD, TSS and/or NH3-N on the Industrial User if the Industrial User's discharge of the excessive strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

(b) Oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this chapter as conventional pollutants.

"Free" and "Emulsified" oil and grease shall be differentiated based on the following procedure.

One aliquot of sample shall be extracted with freon using EPA Method 413.1, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "Free" oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until any emulsion breaks. The sample shall then be extracted with freon using EPA Method 413.1. The result of this analysis will be considered "Total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "Total" and "Free" oil and grease.

If an Industrial User discharges concentrations of "Free" oil and grease in excess of the Criteria to Protect the POTW Treatment Plant influent listed in section 18-302(6)(b) of this chapter for "Free" oil and grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Criteria to Protect the POTW Treatment Plant influent listed in section 18-302(6)(b) for "Free" oil and grease will be subject to a surcharge. The formula for this surcharge is listed in section 18-303 of this chapter. The city also reserves the right to, at any time, place specific mass or concentration limits for "Free" oil and grease on the Industrial User if the Industrial User's discharge of the excessive

strength wastewater causes to the POTW treatment plant to violate its NPDES permit.

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

(9) City's right of revision. The city reserves the right to establish by ordinance more stringent limitations or requirements on users of the POTW system if deemed necessary to comply with the objectives presented in section 18-301(1) of this chapter.

(10) Excessive discharges. No Industrial User shall ever increase the use of process water or, in any way, attempt to dilute a discharge by adding wastewater that would not have been generated except for use as a dilutant as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state.

(11) Accidental discharges. (a) Protection from accidental discharge. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. No Industrial User who commences contribution to the POTW after the effective date of this chapter<sup>1</sup> shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this chapter.

(b) Notification of Accidental Discharge. In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The Industrial User shall sample and analyze for the parameters thought to have been violated within 24 hours after discovery of the accidental discharge and

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<sup>1</sup>These provisions were taken from Ordinance #94-7 which passed final reading June 23, 1994.

report the results of the sample analysis to the Control Authority [(40 CFR 403.12(g)].

(i) Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(ii) Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial Users shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1985 Code, § 13-302, as replaced by Ord. #94-7, § 2, June 1994)

**18-303. Fees.** (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from Users of the city's wastewater disposal system for the administration, operation, maintenance, amortization of debt, and depreciation of the POTW. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

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

(a) fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program;

(b) fees for monitoring, inspections and surveillance procedures associated with Significant Industrial Users;

(c) fees for reviewing accidental discharge procedures and construction plans and specifications for Significant Industrial Users;

(d) fees for permit applications;

(e) fees for inspection of building sewer connections;

(f) fees for filing appeals of enforcement actions taken by the city;

(g) fees for treating conventional pollutants discharged to the POTW by Industrial Users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;



(h) charges to Users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW.

(i) other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(3) Surcharge fees. If an Industrial User discharges in excess of the Criteria to Protect the POTW Treatment Plant Influent set out for the conventional pollutants BOD, TSS, NH3-N, and/or oil and grease in sections 18-302(6) and 18-302(7), additional operation and maintenance costs will be incurred by the city. Therefore, any user who discharges in excess of the limits for any of these parameters will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

Base Sewer Bill for X Monthly Usage	Actual Monthly Average of <u>Parameter Concentration (mg/l)</u> 24-Hour Flow Proportional Composite Sample Criteria to Protect the POTW Treatment Plant Influent	Base Sewer - Bill for Monthly Usage
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The city also reserves the right to, at any time, place limits which may not be exceeded on the Industrial User's discharge if the Industrial User's discharge of the excessive strength wastewater causes to the POTW Treatment Plant to violate its NPDES permit.

As an alternate to this formula, the city may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (1985 Code, § 13-303, as replaced by Ord. #94-7, § 3, June 1994)

**18-304. Administration.** (1) Wastewater-discharge permits. There shall be two classes of building sewer permits:

(a) for connection of residential, commercial and institutional users to the POTW, and

(b) for connection of Industrial Users to the POTW. In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW 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. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the city's schedule of charges and fees.

(2) Residential, commercial and institutional wastewater discharge permits. All new non-Industrial Users which generate only domestic wastewater shall make application to the city for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-Industrial Users, as well as for any existing non-Industrial User desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the Control Authority, the building sewer is installed in accordance with section 18-302 of this chapter, and an inspection has been performed by the Control Authority or his representative.

The receipt by the Control Authority of a prospective User's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practices, the per and inspection fee will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(3) Industrial wastewater discharge permits. (a) General. All new Industrial Users shall submit a permit application as described hereinafter prior to connection of their building sewer to the POTW. The Control Authority will determine from information supplied in this application, and any other information requested, if the Industrial User is a Significant Industrial User. If the Industrial User is determined not to be a Significant Industrial User, the permit for connection of a building sewer shall be processed in accordance with section 18-304(2) of this chapter.

All Significant Industrial Users shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

(b) Certification. All applications, reports, etc., submitted by an Industrial User must include the certification that is found at 40 CFR 403.6(a) (2) (ii) and must be signed by an authorized representative of the Industrial User pursuant to 40 CFR 403.12(l).

(c) Permit application. Industrial Users shall complete and file with the Control Authority an application in the form prescribed by the city at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location, (if different from the address);

(ii) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in section 18-302 of

this chapter as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

- (iv) Time and duration of discharge;
- (v) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer and appurtenances by the size, location and elevation;
- (vii) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or National Pretreatment Standards, and a statement regarding whether or not the 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 for the Industrial User to meet applicable Pretreatment Standards; and

(ix) If additional pretreatment and/or O&M will be required to meet the local, state or National Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local, state or National Pretreatment Standard.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable local, state or National Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)

(B) No increment referred to in paragraph (ix)(A) shall exceed 9 months.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, as a minimum, whether or not

it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

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

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

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

(xiii) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application.

The Control Authority will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Permit modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the industrial wastewater discharge permit of Significant Industrial Users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a Significant Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an industrial wastewater discharge permit as required by section 18-304(3)(c) of this chapter, the Significant Industrial User shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standards. In addition, any Significant Industrial User with an existing industrial wastewater discharge permit shall submit to the Control Authority within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by sections 18-304(3)(c)(viii) and (ix).

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

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (ii) Limits on the average and maximum wastewater constituents and characteristics;
- (iii) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (iv) Requirements for installation and maintenance of inspection and sampling facilities;
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (vi) Compliance schedules;
- (vii) Requirements for submission of technical reports or discharge reports as required in section 18-304(3);
- (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge;
- (ix) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (x) Requirements for notification of excessive discharges such as described in section 18-302(10) of this chapter;
- (xi) Requirement to immediately report any noncompliance to the Control Authority, and to immediately resample for parameter out of compliance in accordance with 40 CFR 403.12(g);
- (xii) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this chapter.

(f) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The Industrial User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial User's existing permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations or requirements as identified in section 18-302 are modified or other just cause exists. The Industrial 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.

(g) Permit transfer. Industrial wastewater discharge permits are issued to a specific Industrial User for a specific operation. An industrial wastewater discharge permit shall not be reassigned or

transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the approval of the Control Authority. Any succeeding owner or Industrial User shall also comply with the terms and conditions of the existing permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within 90 days following the date for final compliance with applicable local, State or National Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to local, state or National Pretreatment Standards shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local, state or National Pretreatment Standards and the average and maximum daily flow for these process units in the Industrial User's facility which are limited by such local, state or National Pretreatment Standards. The report shall state whether the applicable local, state or National Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable local, state or National Pretreatment Standards. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. (A) Any Industrial User subject to a local, state or National Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the local, state or National Pretreatment Standard or by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local, state or National Pretreatment Standards. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. In addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge flow is different from water meter readings. The flow on the

date of the sampling shall also be reported. All parameter listed on the Industrial wastewater discharge permit must be sampled and analyzed. All reports submitted by the Industrial User must include the certification required by 40 CFR 403.6(a)(2)(ii) and must bear the signature of an Authorized Representative of the Industrial User pursuant to 40 CFR 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(B) The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable local, state or National Pretreatment Standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (A) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the Industrial User. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable local, state or National Pretreatment Standard.

(C) All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with the techniques approved by the Control Authority, but shall consist of a minimum time proportional composite sample made up of a minimum of four grab samples.

(i) Monitoring facilities. The Control Authority may require to be provided and operated at the Industrial User's own expenses monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the Industrial User's premises, but the Control Authority may, when such a location would be impractical or cause undue hardship on the Industrial User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be

maintained at all times in a safe and proper operating condition at the expense of the Industrial User.

Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Where required by the Control Authority, construction of monitoring facilities shall be completed within 90 days following written notification by the Control Authority.

(j) Inspection and sampling. The Control Authority shall inspect the facilities of any Industrial User to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where industrial wastewater is created or discharged shall allow the Control Authority or his representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Control Authority, Approval Authority and U.S. Environmental Protection Agency shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Control Authority, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities (40 CFR 403.12).

(k) Pretreatment. Industrial Users shall provide necessary pretreatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Control Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Control Authority prior to the Industrial User's initiation of the changes.



(l) Confidential information. Information and data on an Industrial 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 Industrial User specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the State Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Control Authority until and unless a ten-day notification is given to the Industrial User. (1985 Code, § 13-304, as replaced by Ord. #94-7, § 4, June 1994).

**18-305. Enforcement of industrial wastewater discharge permit.**

(1) Administrative enforcement remedies. (a) General. All administrative enforcement actions taken against a Significant Industrial User, including procedures, orders, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically TCA 69-3-123.

(b) Notification of violation. Whenever the Control Authority finds that any Significant Industrial User has violated or is violating this chapter, an industrial wastewater discharge permit or order issued hereunder, the Control Authority may serve upon said Significant Industrial 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 action, shall be submitted to the Control Authority. Submission of this plan in no way relieves the Significant Industrial User of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar

documents establishing an agreement with the Significant Industrial User responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to section 18-305(1)(e).

(d) Show cause hearing. The Control Authority may order any Significant Industrial User which causes or contributes to violation of this chapter, industrial wastewater discharge permit, or order issued hereunder, to show cause before the city why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of TCA 69-3-124. Notice shall be served on the Significant Industrial User specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the Significant Industrial User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the Significant Industrial User. Whether or not a duly notified Significant Industrial User appears as noticed, immediate enforcement action may be pursued.

(e) Compliance order. When the Control Authority finds that a Significant Industrial User has violated or continues to violate the Ordinance, an Industrial Wastewater Discharge Permit or order issued hereunder, the city may issue an order to the Significant 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. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(f) Cease and desist orders. When the Control Authority finds that a Significant Industrial User has violated or continues to violate this chapter, any industrial wastewater discharge permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

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

(g) Civil penalties. Notwithstanding any other section of this chapter, any Significant Industrial User who is found to have violated any provision of this chapter, industrial wastewater discharge permit, and/or orders issued hereunder, may be fined an amount not to exceed ten thousand dollars (\$10,000.00) per violation in accordance with the provisions of TCA 69-3-125, 126, 128 and 129 and 40 CFR 403.8 (f)(1)(vi)(A). Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the Significant Industrial User's next scheduled sewer service charge and the city shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual Significant Industrial User's property. Significant Industrial Users desiring to dispute such fines must file a request for the city to reconsider the fine within 30 days of being notified of the fine. Where the city believes a request has merit, the city shall convene a hearing on the matter within 15 days of receiving the request from the Significant Industrial User and a hearing will be held before the mayor and council in accordance with the provisions of TCA 69-3-124.

(h) Emergency suspensions. (i) The city may suspend the wastewater treatment service and/or wastewater discharge permit of a Significant 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.

(ii) Any Significant Industrial User notified of a suspension of wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a Significant Industrial User's failure to immediately comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary, including immediate severance of the building sewer connection to the POTW, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the Significant Industrial User to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in section 18-305(1)(i) are initiated against the Significant Industrial User.

(iii) A Significant Industrial User who is responsible, in whole or in part, for imminent endangerment shall submit to the Control Authority a detailed written statement describing the causes of the harmful contribution and the measures taken to

prevent any future occurrence within five days after notification of suspension of service.

(i) Termination of permit. Any Significant Industrial User who violates the following conditions of this chapter or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the Significant Industrial User's premises for the purpose of inspection, monitoring or sampling.

Noncompliant Significant Industrial Users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under section 18-305(1)(d) of this chapter why the proposed action should not be taken.

(2) Judicial remedies. (a) General. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter or any order or industrial wastewater discharge permit issued hereunder, the city, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Obion County. Any judicial proceedings and relief shall be in accordance with the provisions of TCA 69-3-127.

(b) Injunctive relief. Whenever a Significant Industrial User has violated or continues to violate the provisions of this chapter or an industrial wastewater discharge permit or order issued hereunder, the city, through the city attorney may petition the court for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Significant Industrial User.

(3) Affirmative defenses. (a) Treatment upsets.

- (i) Any Significant 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 Control Authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the Significant Industrial User within five days. The report shall contain:

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

(B) 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.

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

(ii) A Significant 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 city for any noncompliance with this chapter, or an order or industrial wastewater discharge permit issued hereunder to the Significant Industrial User, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

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

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

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

(C) The Significant Industrial User properly notified the Control Authority as required by section 18-305(3)(b)(2).

(ii) A Significant Industrial User must provide immediate notice to the Control Authority upon discovery of an unanticipated bypass. The Control Authority may require the Significant Industrial User to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A Significant 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 pretreatment system. Significant Industrial Users anticipating a bypass must submit notice to the Control Authority at least 10 days in advance. The Control Authority may only approve the anticipated bypass if the circumstances satisfy the requirements set forth in section 18-305(3)(b)(1).

(4) Public notice of violations of industrial wastewater discharge permits. The Control Authority shall publish, at least annually, in the largest

daily newspaper published in the municipality in which the POTW is located, a list of Industrial Users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority 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 human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

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

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

(g) Failure to accurately report non-compliance;

(h) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program. (1985 Code, § 13-305, as replaced by Ord. #94-7, § 5, June 1994)

## CHAPTER 4

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

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1985 Code, § 8-201)

**18-402. Standards.** The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1985 Code, § 8-202)

**18-403. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Superintendent of the Water Department of the City of South Fulton. (1985 Code, § 8-203)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1985 Code, § 8-204)

**18-405. Inspections required.** It shall be the duty of the South Fulton Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the South Fulton Public Water Supply and as approved by the Tennessee Department of Health. (1985 Code, § 8-205)

**18-406. Right of entry for inspections.** The superintendent of the water department or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the South Fulton Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system



or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1985 Code, § 8-206)

**18-407. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Water Department of the South Fulton Public Water Supply.

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 a reasonable time and within the time limits set by the South Fulton Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1985 Code, § 8-207)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the waterworks of the city or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective

device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Water Department of the South Fulton Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the South Fulton Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water department or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

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

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute 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 South Fulton Public Water Supply. (1985 Code, § 8-208)

**18-409. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-209)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1985 Code, § 8-210)