

## **TITLE 18: WATER AND SEWER**

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## CHAPTER 1: WATER AND SEWERS

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### ***Cross references:***

*Building, utility, and housing codes, see Title 12*

*Refuse, see Title 17*

*Sewer use, see Title 18, Chapter 2*

### **§ 18-101 CREATION AND OPERATION OF UTILITIES DEPARTMENT.**

(1) There is created a department to be known as “the town’s Water and Sewer Department”, which is the Utilities Department.

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(2) The operation of the Water and Sewer Department shall be under the supervision and control of the Town Manager or his or her designee, the Director of Utilities. It shall be the duty of the Town Manager or his or her designee to see that the Water and Sewer Department is operated in compliance with the rules and regulations promulgated by the Town Council, the municipal code of the town, federal and state regulations, and the policies and procedures of the Water and Sewer Department as may be adopted by appropriate ordinance.

(3) The rates to be charged for services of the Water and Sewer Department shall be such rate schedules as the town may from time to time adopt by appropriate ordinance.

(4) The Town Manager or his or her designee, subject to the rules and regulations proscribed by the Town Council and the town code, is authorized and empowered to enter into contracts with consumers for the furnishing of water and sewer services.

(5) Any consumer who fails to comply with the rules and regulations governing the operation of the water and sewer system and the town code may have their water supply or sewer service discontinued.

(6) It shall be unlawful for any person to interfere with the operation of the water and sewer system. Tampering with meters, mains, or service lines without permission of the Director of Utilities or doing physical damage to meters or lines or in any manner interfering with the water supply or sewer service shall be unlawful.

(2007 Code, § 18-101) Penalty, see § 18-122

### **§ 18-102 APPLICATION FOR WATER.**

(1) Persons, firms, or corporations desiring water connections shall make application to the Water Department, upon such forms as shall be prescribed and furnished by the Water Department. The application shall be signed by the owner of the premises, or the tenant or consumer, and shall state the location of the premises to be served, the street number, and the lot.

(2) Within the corporate limits, should the premises to be served be new construction, the applicant shall show that a building permit approved by the building inspector of the town has been issued for such construction.

(2007 Code, § 18-102)

### **§ 18-103 SERVICE CONNECTION AND METER SETTING CHARGES.**

Water taps and service pipes for new service on existing mains two inches and smaller shall be installed by the Water Department from the main to the property line unless otherwise approved by the Utilities Director. The owner or consumer will install all pipes and fixtures within the property line and keep the same in repair and shall attach to each water line a stop and waste cock. The owner is required

to make all taps larger than two inches and shall abide by the town's standard water and sewer specifications. The meter settings shall be placed at suitable locations selected by the Water Department. For such connection and meter setting, the consumer, or property owner, at the time of making application therefor, shall pay to the Water Department, as the expense thereof, such charge as may be prescribed by the Town Council. Such payment will be made prior to receiving a certificate of occupancy.

***Editor's note:***

*This section was modified in the 2017 update*

**§ 18-104 EXTENSION OF MAINS.**

(1) All extensions shall be done in accordance with the town's standard water and sewer specifications. Upon proposal to extend any main, a development agreement shall be executed with the town, in accordance with the provisions of Title 14, Chapter 6 of this code. All extensions shall first be approved by the Water Department and the state's Department of Environment and Conservation as to size and location of water mains. Extension of water mains shall be paid for by the user or promoter of the subdivision or development pursuant to the development agreement. Prior to commencing work on any extension, all permits, bonds, approvals, the required development agreement, and other requirements shall be executed, completed, and all necessary fees paid.

(2) The capacity fee shall be due and payable as a condition of the final plat approval. Payment of said capacity fee is not subject to refund or reimbursement by the town.

(2007 Code, § 18-104)

**§ 18-105 METERS.**

(1) Each consumer will be supplied through a separate meter, except where a building under one ownership has a number of apartments or offices or mobile units, and the owner desires that the Water Department shall deal directly with the tenants which shall be at the discretion of the Water Department; in which event, the developer will install for each tenant a separate meter setting and meter. The charge for such installation and setting shall be made at the service charge provided for by the Town Council.

(2) Thereafter, each regular tenant in such building shall be a consumer and shall be subject to all of the applicable rules and regulations hereof.

(3) Meters and meter settings must be accessible at all times and not covered with rubbish, vehicles, or material of any kind. No one other than an authorized agent of the Water Department shall be permitted to repair, adjust, remove, or replace any meter or part thereof.

(4) The consumer shall be responsible for any damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his or her agent, or employee, or any member of his or her family. Such consumer will be billed for the

actual cost of repair or replacement, and such bill shall be paid within ten days from the date of mailing thereof.

(2007 Code, § 18-105)

#### **§ 18-106 METER TESTS.**

(1) Should any consumer doubt the correctness of the meter registration, he or she may have the meter tested by making written application to the Water Department and by making a deposit in accordance with the fees adopted and set forth in the fee schedule adopted in accordance with the annual budget ordinance.

(2) If, in such test, the meter is found to over register in excess of 4%, an allowance shall be made by the Water Department to the consumer according to such error and covering a period not to exceed the prior billing and the current consumption to date of removal of the meter. If the meter is found to over register in excess of 4%, all the expense incurred in the meter removal and test shall be borne by the Water Department, and the deposit shall be refunded. If, however, the meter is found to register an amount less than 4%, the deposit shall be accepted by the Water Department in payment of the expense of such removal and test.

(3) The Water Department may discontinue to furnish water to any consumer who refuses permission to remove a meter in accordance with this section.

(4) If any meter is relocated on application of and to suit the convenience of the consumer, or where relocation of a meter is required because of a change in grade of the lot and/or lot lines, such relocation and setting shall be made by the Water Department at the expense of the consumer. The bill rendered to the consumer for the expense thereof shall be paid within ten days from the date of the mailing of such bill.

(2007 Code, § 18-106)

#### **§ 18-107 PRIVATE FIRE LINES.**

(1) Private fire lines or sprinkler lines will be installed by and at the expense of the consumer pursuant to the town's standard water and sewer specifications and payment of associated fees; such construction to be made in accordance with the specifications of the Water Department. Such lines shall be owned and maintained by the consumer. Fees for such shall be paid prior to installation.

(2) Water Department employees shall have access to the premises at all reasonable hours for the purpose of inspecting such private fire lines and/or sprinkler system.

(2007 Code, § 18-107)

**§ 18-108 CONSUMERS NOT TO SUPPLY WATER TO OTHERS.**

Consumers shall not supply water, or allow water to be carried through a hose or pipe, to any premises other than that described in the application, without the consent of the Water Department.  
(2007 Code, § 18-108)

**§ 18-109 SUPPLY OF STEAM BOILERS.**

In no event shall a steam boiler be supplied directly from a water main of the town. In all cases in which water is supplied to steam boilers from the town mains, there shall be a tank or other receptacle located between the boiler and the water main, and such supply shall be taken directly from the water tank or receptacle.  
(2007 Code, § 18-109)

**§ 18-110 ILLEGAL USE OF FIRE HYDRANTS.**

No person other than authorized agents of the Water Department or Fire Department shall take water from a fire hydrant without the consent of the Water Department.  
(2007 Code, § 18-110)

**§ 18-111 NO GUARANTEE OF PRESSURE AND/OR SUPPLY.**

The Water Department does not guarantee to the consumer any fixed pressure or a continuous supply. In case of breaks in mains, service pipes, pumping machinery, reservoirs, or other equipment of the Water Department, and for the purpose of extending, replacing, or cleaning mains, or any other necessary work in connection with mains, the water may be shut off when necessary without notice and the town shall not be liable for damages which may arise therefrom.  
(2007 Code, § 18-111)

**§ 18-112 METER READING AND BILLING.**

(1) Meters will be read monthly. All bills shall be payable at the Water Department's office or at places designated by the Water Department.

(2) Town personnel shall have access at all reasonable hours to premises supplied with water, for the purpose of reading, inspecting, repairing, or removing meters.

(3) If a meter is found inoperable at a meter reading period, the bill will be figured by computing the average of the six previous monthly billings, but due consideration shall be given for any excessive use of water during such period.

(4) All rates, fees, and charges provided for within this chapter shall be billed and collected monthly by the town. All bills shall be due and payable on or before the due date as specified on the bill and a service charge equivalent to 10% of the bill shall be added and collected if such bill is not paid by the due date specified.

(5) If a bill becomes delinquent as aforesaid and is not paid within ten days after the due date, the town may cause the water to be disconnected from the premises and the same shall not again be connected or used until all the delinquent accounts, rates, bills, charges, and services are paid in full, including a fee as prescribed by the Town Council, for reconnecting said water service.

(6) The non-receipt of a water bill will be no excuse for failure on the part of the consumer to pay the water bill when the same becomes due.

(7) If the owner of the premises being supplied with water from the Water Department's main desires to be billed rather than the tenant, or consumer, for metered water used, the owner himself or herself must make the application and make a deposit as set forth above. The owner shall be held responsible for any violation of this chapter.

(2007 Code, § 18-112)

#### **§ 18-113 METER TURN-ON.**

(1) Water shall not be turned on to any water lines for any purpose by anyone except an authorized employee of the Water Department.

(2) Whenever water service has been discontinued for nonpayment of any bill rendered, or because of a violation of this chapter, a charge as set forth in § 18-112 shall be made to cover the cost of turning the water on again, and this charge shall be paid in advance.

(3) In event the consumer requests that the water be turned on at any time other than during the scheduled working hours, the consumer shall pay an additional charge, as prescribed by the Town Council, in excess of the charge as set forth above.

(2007 Code, § 18-113)

#### **§ 18-114 METER SHUT-OFF.**

The consumer or property owner shall notify the Water Department at the time each property becomes vacant. Otherwise, the consumer or property owner shall be responsible for any damage to the property of the Water Department, and for all water metered to such property up until receipt of such vacancy notice. The Water Department will presume service is being rendered from the time water is turned on at the request of the consumer until the consumer or property owner gives notice to discontinue the service and charges will be made accordingly.

(2007 Code, § 18-114)

**§ 18-115 FAILURE OF CONSUMER TO COMPLY WITH REGULATIONS.**

The Water Department may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of this chapter, or it may discontinue water service in the event the consumer violates or fails to comply with any of the provisions of this chapter.  
(2007 Code, § 18-115)

**§ 18-116 WATER AND SEWER RATES.**

(1) All water and sewer service shall be furnished under such rate schedules as the Town Council may from time to time adopt.

(2) The water and sewer rates in effect at the time of the passage of this code are hereby ratified, but may be changed for future service as the Town Council may from time to time adopt.  
(2007 Code, § 18-116)

**§ 18-117 APPLICATION FOR SEWER SERVICE.**

Persons, firms, or corporations desiring sewer service connections shall make application to the Water and Sewer Department in writing, upon such forms as shall be prescribed and furnished by the Department.  
(2007 Code, § 18-117)

**§ 18-118 EXTENSION OF SEWER MAINS.**

All extensions shall be done in accordance with the town's standard water and sewer specifications. Upon proposal to extend any main, a development agreement shall be executed with the town. All extensions shall first be approved by the Utilities Department and the state's Department of Environment and Conservation as to size and location of sewer mains. Extension of sewer mains shall be paid for by the user or promoter of the subdivision or development pursuant to the development agreement. Prior to commencing work on any extension, all permits, bonds, approvals, the required development agreement, and other requirements shall be executed, completed, and all necessary fees paid.  
(2007 Code, § 18-118)

**§ 18-119 SEWER SERVICE CONNECTIONS.**

A capacity charge as prescribed by the Town Council will be made for sewer taps.

(1) An inspection report must also be obtained from the Water and Sewer Department or its designee before any house sewer line may be connected to the town's sewer system. An inspection fee as adopted by Town Council shall be paid at the time of application for service in concurrence with the

initial service fee. The applicant or property owner assumes all risk of damage from back-flow or flooding from the sewer, back-flow of gas, and any damage resulting to others from the construction of the connection.

(2) All house sewers shall be laid in accordance with the town's water and sewer specifications and the most recently adopted building code. All costs of running house sewers to the existing public sewers shall be paid for by the property owner.

(3) A separate sewer line and connection shall be installed for each property to be served. Only sanitary plumbing fixtures such as bathtubs, toilets, sinks, and kitchen and laundry fixtures are to be connected to the house sewers.

(4) The connection of roof drains, yard drainage, or other sources of rain water to the house connection or to the public sewer system is specifically prohibited and any such connection discovered will result in the owner and/or tenant being subject to the penalties herein provided. Drainage from pits or other facilities used for washing automobiles shall not be permitted to be connected to the public sewer or house sewer.

(5) Inspection by the Water and Sewer Department or its designee shall be made before the trench in which the house sewer line is laid is backfilled, and any work not inspected and approved shall subject the owner and/or tenant to the penalties herein provided. A charge, as prescribed by the Town Council, for each additional inspection trip shall be paid for by the property owner.

(6) The capacity fee shall be due and payable as a condition of the final plat approval or upon request for service if plat approval is not required. Payment of said capacity fee is not subject to refund or reimbursement by the town.

(7) The owner shall maintain the sewer line to prevent infiltration. Failure to properly maintain the line or make repairs upon notification of the Water and Sewer Department may result in loss of water service to the property.

(2007 Code, § 18-119)

#### **§ 18-120 SEWER SERVICE LINE STOPPAGE.**

(1) The Water and Sewer Department will unstop sewers outside the property line of the premises at the Department's expense if an accessible clean out is available.

(2) It will be the responsibility of the sewer customer to unstop blocked service lines within the property line. In the event there is doubt as to whether a stoppage is within or without the property line, and there is reason to believe the stoppage could be either within or without the property line of the premises, the Sewer Department will unstop the sewer if access is available. However, should the blockage be located within the property line, the applicant shall by written agreement agree to pay for the actual cost of unstopping the line.

(2007 Code, § 18-120)

**§ 18-121 SAFETY PRECAUTIONS.**

(1) All excavations in any street or other public thoroughfare incident to installing any sewer connection shall comply with all applicable laws and regulations and be done in a manner to cause as little inconvenience and danger as possible to the traveling public. All trenches, excavations, and piles of materials shall be prominently marked with warning signs and lights at all times while the work is in progress.

(2) No materials that will clog or stop the sewers, explosive or inflammable substances that might be dangerous to the operation of the sewers or treatment plant, or strong acids or alkali that might damage the sewers shall be discharged into the public sewer system or any connection thereto.  
(2007 Code, § 18-121)

**§ 18-122 PENALTIES.**

The Water and Sewer Department shall enforce and collect the following penalties from any person or firm failing to comply with this chapter.

(1) For starting work on any connection before an application to make such connection is obtained from the Water and Sewer Department, the inspection fee shall be increased from \$25 to \$75.

(2) For installing and backfilling any connection before obtaining such application and having said work inspected by the Water and Sewer Department or its designee, the inspection fee shall be increased from \$25 to \$250.

(3) No permit shall be issued to, directly or indirectly, and no work on any connection to the public sewer system or fixtures attached thereto shall be done by any firm or individual who has in the past made such connections or done such work in violation of the regulations in this chapter.

(4) For connecting roof drains, yard, or surface drains, or any other source of rain water, or any automobile washing pit drains to the public sewer system, or to any pipe or sewer that is connected to such sewer system, or for any other willful violation of these regulations, the house sewer and the water connection serving the property on which such violation of these regulations occurs shall be disconnected from the sewer system and the water distribution system and remain disconnected until such unauthorized connection is disconnected and other violations properly corrected and until a reconnection charge of \$500 is paid to the Water and Sewer Department.

(5) The Town Attorney is also directed to prosecute for damage to public property any firm or individual that makes any such unauthorized connection to the public sewer system as listed in division (4) above or in any other way damages or interferes with the proper operation of the public sewers.  
(2007 Code, § 18-122)

**§ 18-123 UNAUTHORIZED CONNECTIONS PROHIBITED.**

No person shall connect to, or turn on, any water service, cut-in, inter-connect, tap, or make any alterations to any main or distribution pipe of the water system or permit any connection or tapping to be made to said water and sewer system on his or her premises, or on the premises occupied by him or her or knowingly use the water service from connections in violation of any provisions of this chapter or any rules or regulations adopted by the town with respect thereto or in violation of state law.

(2007 Code, § 18-123) Penalty, see § 18-122

**§ 18-124 NO FREE SERVICES OR PREFERENTIAL RATES.**

The town will not render or cause to be rendered any free water or sewer services of any nature, nor will any preferential rates be established for users of the same class.

(2007 Code, § 18-124)

**§ 18-125 FLUORIDATION OF WATER SUPPLY.**

(1) The Water Department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the town; to submit such plans to the state's Department of Health and Environment for approval and, upon approval, to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

(2) The cost of such fluoridation will be borne by the revenues of the Water Department.

(2007 Code, § 18-125)

## CHAPTER 2: SEWER USE

### Section

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***Cross-reference:***

*Water and sewers, see Title 18, Chapter 1*

***Editor's note:***

*This chapter was modified in the 2017 update*

**§ 18-201 GENERAL PROVISIONS.**

This chapter sets forth uniform requirements for users of the publicly owned treatment works of the town ("POTW") and enables the town to comply with all applicable state and federal laws, including, but not limited to, the Clean Water Act of 1977, 33 U.S.C. §§ 1251 et seq., as amended; the general pretreatment regulations, C.F.R. Title 40, Part 403, as amended; and the state's Water Quality Control Act of 1977, T.C.A. §§ 69-3-101 et seq., as amended. This chapter shall apply to all users of the POTW. The objectives of this chapter are:

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

### § 18-202 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
O&M	Operation and maintenance
OSHA	Occupational Safety and Health Administration
POTW	Publicly owned treatment works
SWDA	Solid Waste Disposal Act
SS	Suspended solids
WPC	Tennessee Department of Environment and Conservation, Division of Water Pollution Control

### § 18-203 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACCIDENTAL DISCHARGE.*** Any release of wastewater which, for any unforeseen reason, fails to comply with any prohibition or limitation in this chapter.

***ACT*** or ***THE ACT.*** The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, 33 U.S.C. §§ 1251 et seq., as amended.

***APPROVAL AUTHORITY.*** The Director of WPC, or the authorized representative of the Director.

***AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER.***

- (a) If the user is a corporation:

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

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to:

(A) Make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations;

(B) Initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

(C) Ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and

(D) Sign documents.

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

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

(d) An individual described in divisions (a) through (c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

**BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the discharge prohibitions and limits listed in this chapter. **BMPs** also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **BMPs** may provide alternative means of complying with certain established categorical pretreatment standards and effluent limits.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C (68°F) expressed in terms of weight and volume (milligrams per liter).

**BUILDING SEWER or HOUSE CONNECTION.** The connecting pipe from a building to the sanitary sewer.

***COLOR.*** Considered to be the true color of the light transmitted by a waste solution after removing suspended material including pseudo colloidal particles.

***COMPOSITE SAMPLE.*** A sample that is formed by mixing two or more discrete samples (“aliquots”). For flow-proportional ***COMPOSITE SAMPLES***, each individual aliquot is collected after the passage of a defined volume of discharge. For time-proportional ***COMPOSITE SAMPLES***, the aliquots are collected after the passage of a defined period of time.

***CONSTITUENTS.*** The specific compounds and components which comprise the wastewater.

***CONTROL AUTHORITY.*** The POTW.

***COOLING WATER.*** The water discharged from any use of air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat, that does not come into direct contact with any raw material, intermediate product, water product, or finished product.

***DAILY MAXIMUM.*** The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

***DAILY MAXIMUM LIMIT.*** The maximum allowable discharge limit of a pollutant during a calendar day. Where ***DAILY MAXIMUM LIMITS*** are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where ***DAILY MAXIMUM LIMITS*** are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

***DIRECT DISCHARGE.*** The discharge of treated or untreated wastewater directly to the waters of the state.

***DIRECTOR OF UTILITIES.*** The administrative officer of the town who is charged with administrative control of all operations of the POTW, as designated by the Town Council, and is responsible directly to the Town Council. As used herein, it may also include any town employee delegated to act for the town by the Town Manager or the Town Council.

***DOMESTIC WASTEWATER.*** All liquid and waterborne pollutants, exclusive of unpolluted wastewater and wastewater or wastes from processes or operations of industrial users.

***ENVIRONMENTAL PROTECTION AGENCY (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 EPA.

***EXISTING SOURCE.*** Any source of a discharge that is not a new source.

***GRAB SAMPLE.*** A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks, and septic tank haulers.

**INDUSTRIAL USER.** A source of non-domestic wastewater.

**INDUSTRIAL WASTE.** The liquid or other wastes resulting from any process of industry, manufacture, trade, or business, or from the development of natural resources.

**INFILTRATION.** The water entering sewers and building sewer connections from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, and the like. **INFILTRATION** does not include, and is distinguished from, inflow.

**INFLOW.** The water discharged into sewers from such sources as roof leaders, cellar and yard area drains, foundation drains, commercial and industrial discharges of unpolluted wastewater as defined below, drains from springs and swampy areas, and the like. It does not include and is distinguished from infiltration.

**INSTANTANEOUS LIMIT.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

**LOCAL ADMINISTRATIVE OFFICER.** The Director of Utilities or the Director of Utilities' designee. The **LOCAL ADMINISTRATIVE OFFICER** shall administer and enforce the town's pretreatment program, as set forth in this chapter, and the provisions of T.C.A. §§ 69-3-123 through 69-3-129.

**LOCAL HEARING AUTHORITY.** An administrative board consisting of the Town Manager, the Director of Public Works, and the Engineer of Record for the town.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD, CATEGORICAL PRETREATMENT STANDARDS, or CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT.** A permit to discharge wastewater issued pursuant to § 402 of the Act and T.C.A. § 69-3-108.

***NEW SOURCE.***

(a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the adoption of this chapter or the publication of proposed pretreatment standards under § 307(c) of the Act that will be applicable to such source if such pretreatment 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;

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

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

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

(c) Construction of a ***NEW SOURCE*** as defined under this division (c) has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite 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

(ii) 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 division (c)(ii).

***PASS-THROUGH.*** A discharge that exits the POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the town's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON.** Any individual, firm, company, association, corporation, governmental agency, board, commission, or municipal corporation other than the town.

**pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Stabilized **pH** is that determined after a sample of waste has been subjected to natural aeration.

**POLLUTANT.** Includes 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.

**POLLUTION.** The human-made or human-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

**PRETREATMENT.** The reduction of the amounts of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by 40 C.F.R. § 403.6(d).

**PRETREATMENT REQUIREMENT.** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PRETREATMENT STANDARDS.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**PRIVATE WASTEWATER DISPOSAL SYSTEM.** Any facilities for wastewater treatment and disposal not maintained and operated by the town.

**PROCESS WASTEWATER.** Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

**PROPERLY SHREDDED GARBAGE.** The organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions nominally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties shall have equal rights, and which is controlled by a governmental agency or public utility.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by the town. The **POTW** includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes,

and other conveyances only if they convey wastewater to the WWTP. The term also means the town. **POTW** means WWF, as used in the state's pretreatment regulations.

**RECEIVING STREAM.** The body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant or that body of water, stream, or watercourse formed by the effluent from a wastewater treatment plant.

**SANITARY SEWAGE** or **SANITARY WASTEWATER.** Wastewater excluding process wastes from industrial users.

**SANITARY SEWER.** A public sewer controlled by a governmental agency or public utility that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

**SEWER.** A pipe or conduit for carrying wastewater.

**SEWERAGE SYSTEM.** All facilities for collecting, pumping, treating, and disposing of wastewater.

**SHALL** and **MAY.** Shall is mandatory; may is permissible.

**SIGNIFICANT INDUSTRIAL USER.**

(a) All industrial users subject to categorical pretreatment standards under 40 C.F.R. Chapter I, Subchapter N, Parts 405-471; or

(b) Any other industrial user who:

(i) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW;

(ii) Contributes process waste stream greater than 5% of the hydraulic flow or organic design capacity of the POTW; or

(iii) Is designated by the town, the POTW, the approval authority, or EPA to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the system's effluent quality, or air emissions generated by the POTW.

**SLOWDOWN.** The minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

**SLUG DISCHARGE.** Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge, which has a reasonable potential to cause

interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification of an industry based on its product or service pursuant to the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget of the Federal Government, as amended.

**STANDARD METHODS.** The analytical procedures set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, or EPA Methods for Chemical Analysis of Water and Wastes, as per 40 C.F.R. Part 136 and amendments thereto.

**STATE.** The State of Tennessee.

**STORM SEWER.** A sewer that carries storm and surface waters and drainage, but that excludes sanitary sewage and polluted industrial wastes.

**STRENGTH.** The concentration of pollutants or substances contained in a liquid waste.

**SUSPENDED SOLIDS.** The total solid matter that either floats on the surface of, or is suspended in, water or liquid waste and which is removable by laboratory filtration.

**TOWN.** The Town of Smyrna, Tennessee. Activities attributable to the **TOWN** shall be the responsibility of the Town Council or any town employee or contractor delegated to act for the town by the Town Council.

**TOWN COUNCIL.** The Town Council of the Town of Smyrna, Tennessee. As used herein, it may also include any town employee or contractor delegated to act on matters pertaining to operation of the POTW for the town by the Town Council.

**UNPOLLUTED WASTEWATER.**

(a) Any wastewater which is substantially free of pollutants and is discharged from the following:

- (i) Rain downspouts and drains;
- (ii) Footing drains;
- (iii) Storm and surface water drains; and
- (iv) Cooling water systems.

(b) **UNPOLLUTED WASTEWATER** shall contain, by definition, none of the following:

- (i) BOD in excess of 10 mg/l;
- (ii) Suspended solids in excess of 10 mg/l;
- (iii) Free or emulsified greases or oils;
- (iv) Acids or alkalides;
- (v) Phenols or other substances imparting taste or odor to receiving waters;
- (vi) Toxic or poisonous substances;
- (vii) Noxious or odorous gases; or

(viii) Any wastewater with a temperature which exceeds 60°C (140°F) at its introduction into a storm sewer or which exceeds 40°C (104°F) at its introduction into a receiving stream.

**USER.** Any person who contributes, causes, or permits the contribution of wastewater into the POTW, including without limitation, industrial users.

**WASTEWATER.** Water-carried wastes that are contributed to the POTW from any source.

**WASTEWATER TREATMENT PLANT (WWTP).** The facilities of the town for treating and disposing of wastewater.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

**WATERS OF THE STATE.** All bodies or accumulations of water, surface or underground, within the boundaries of the state.

#### **§ 18-204 USE OF PUBLIC SEWERS REQUIRED.**

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human excrement, garbage, or objectionable waste.

(2) It shall be unlawful for any person to discharge to any outlet other than a sanitary sewer, within the corporate limits of the town, any domestic or industrial wastes except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and where an appropriate NPDES permit has been obtained from WPC pursuant to § 402 of the Act.

(3) Where a storm sewer, as defined by § 18-203, is adjacent to a property, it shall be legal to discharge cooling water, as defined by § 18-203 and which meets the requirements of the definition of unpolluted wastewater in § 18-203, into said storm sewer in accordance with subsequent provisions of this chapter and where the town determines that sufficient capacity exists in said storm sewer to carry the cooling water without exceeding the design storm drainage capacity of said storm sewer and where an appropriate NPDES permit has been obtained from WPC pursuant to § 402 of the Act.

(4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town 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 town that discharges to the POTW, who has installed suitable toilet and other facilities therein necessary for the discharge of domestic and industrial wastes, is hereby required at the owner(s) expense to connect such facilities directly with the proper public sanitary sewer in accordance with the requirements of the town, within 90 days after date of official notice to do so, provided that such public sanitary sewer abuts the property.

(5) All new connections to the town POTW shall be made in accordance with the provisions of Chapter 1 of this Title.  
Penalty, see § 18-252

#### **§ 18-205 PRIVATE WASTEWATER DISPOSAL.**

(1) Where a public sanitary sewer is not available under the provisions of § 18-204(4), such toilet and other facilities necessary for the discharge of domestic and industrial wastes shall be connected to a private wastewater disposal system complying with the requirements of the state, Rutherford County, and/or the town, and provisions of the most recently adopted building code of the town.

(2) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the Director of Utilities. The copy of the permit shall be accompanied by such supplemental data as deemed necessary by the building official to maintain an accurate file of such private wastewater disposal systems to facilitate the planning of future public sewer service.

(3) The type, capacity, location, and layout of a private wastewater disposal system, including methods of sludge disposal, shall comply with all requirements of the state and/or the town or other governmental body having jurisdiction.

(4) At such time as a public sewer is constructed which abuts a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter; and septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge and filled with suitable material at the owner's expense.

(5) The owner(s) shall operate and maintain any private wastewater disposal systems in a sanitary manner at all times, at no expense to the town.

(6) Under no circumstances shall holding tank waste and septic tank wastes originating outside the town be discharged into the town POTW. Holding tank waste and septic tank wastes from private systems within the town shall be discharged into the POTW only under the following conditions.

(a) No person owning vacuum-pump or septic tank trucks or other liquid waste transport trucks shall discharge directly or indirectly such wastewater into the POTW unless such person shall first have applied for and received a wastewater haulers discharge permit from the town. All applicants for wastewater haulers discharge permits shall complete such forms as required by the town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the town. The owners of such vehicles shall affix and display their permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a maximum period of one year from date of issuance, provided that such permit shall be subject to revocation by the town for violation of any provision of this section or reasonable regulation established by the town. Such permits shall be limited to the discharge of sanitary sewage containing no industrial waste. Pumpage from commercial grease traps is specifically prohibited from discharge into the POTW. The manager of the WWTP shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste at his or her absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

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

(c) No person shall operate a dumping station for the discharge of sanitary sewage from recreation vehicles into the POTW unless the user of the dumping station has first applied for and received a recreational vehicle dumping station permit from the town. All applicants for recreational vehicle dumping station permits shall complete such form as required by the town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the town. These permits shall be issued only for approved facilities designed to receive sanitary sewage.

Penalty, see § 18-252

#### **§ 18-206 FEDERAL AND STATE LAW.**

Nothing contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by federal or state agencies.

**§ 18-207 SPECIAL AGREEMENTS.**

Nothing contained in this chapter shall be construed as preventing the execution of a contract, special agreement, or arrangement between the town and any person whereby water or wastewaters of unusual strength, character, or quantity may be admitted into the POTW upon such terms and conditions as the town deems appropriate so long as the objectives of this chapter, limitations established by 40 C.F.R. Part 403, and NPDES permit requirements of the town and other state laws, regulations, and permits are not adversely affected.

**§ 18-208 INDUSTRIAL DISCHARGE PERMITS REQUIRED.**

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an industrial discharge permit.

(2) The town may require other users to obtain industrial discharge permits as necessary to carry out the purposes of this chapter.

(3) Any significant industrial user or user designated by the town under division (2) above must apply for a new or modified permit before making a significant change in the character or volume of its wastewater.

(4) A significant change in the character or volume of wastewater shall be deemed to be proposed if substances, compounds, and elements not previously constituting any significant part of a user's wastewater are to be introduced into such waste or if the average concentration of any substance, compound, or element in the waste, or average volume proposed to be discharged will cause a violation of any of the user's permit limitations. In case of doubt as to whether an intended change constitutes a significant change, it shall be the responsibility of the user intending to make such a change to make the necessary application or obtain a written ruling from the town that an application for a new or modified industrial discharge permit is not required.

(5) Any user subject to a new national or state categorical pretreatment standard shall apply for a new industrial discharge permit within 180 days after the promulgation of the applicable national or state categorical pretreatment standard. Industrial discharge permits of users subject to such standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards.

(6) It shall be unlawful for any user that has been denied an industrial discharge permit to discharge industrial waste into the POTW.

(7) The town hereby has the authority to develop and enforce specific limits and to implement the prohibitions listed in § 18-214 of this chapter. Such limits are subject to continued development and revision as necessary to prevent pollutants contributed by any user or users from resulting in interference

or pass-through, and to ensure compliance with the town's NPDES permit or sludge use or disposal practices.

Penalty, see § 18-252

### **§ 18-209 INDUSTRIAL DISCHARGE PERMIT APPLICATION.**

A user required to obtain an industrial discharge permit must submit an application containing the following information:

(1) Identifying information, including the name and address of the facility, the name of the operator and owners, contact information, and a description of activities, facilities, and plant production processes on the premises;

(2) A list of any environmental control permits held by or for the facility, or that should be, or are anticipated to be, held by or for the facility;

(3) A description of operations that includes:

(a) A brief description of the nature, average rate of production, standard industrial classification of the operation(s) carried out by the industrial user, and a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;

(b) The time and duration of discharges;

(c) The location for monitoring all wastes to be covered by the permit; and

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

(4) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

(5) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or the town, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the town or the applicable standards to determine compliance with the standard. Sampling and analysis shall be performed in accordance with the techniques prescribed in § 18-220;

(6) Any other information as may be deemed necessary by the local administrative officer or his or her designee to evaluate the permit application;

(7) A signed copy of the certification statement contained in § 18-251; and

(8) A user that has been denied an industrial discharge permit may challenge such denial under the procedures set forth in §§ 18-245 and 18-246.

#### **§ 18-210 CONTENTS OF INDUSTRIAL DISCHARGE PERMIT.**

An industrial discharge permit shall include such conditions as are deemed reasonably necessary by the local administrative officer to prevent pass-through or interference, protect the quality of the water body receiving the WWTP's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Industrial discharge permits must contain:

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

(b) A statement that the industrial discharge permit is nontransferable without prior notification to the town in accordance with § 18-213 and provisions for furnishing the new owner or operator with a copy of the existing industrial discharge permit;

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

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

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

(f) Requirements to control slug discharge, if determined by the local administrative officer to be necessary.

(2) Industrial discharge permits may contain, but need not be limited to:

(a) Limits on the average and/or maximum wastewater constituents, volume, and characteristics. The town may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate;

(b) Limits on average and maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

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

(d) Requirements for submission of technical reports or discharge reports under § 18-222;

(e) Requirements for notification of the town of any new introduction of wastewater constituents or any significant changes in the character or volume of the wastewater constituents being introduced into the sewerage system; and

(f) Other conditions as deemed appropriate by the town to ensure compliance with the requirements and purposes of this chapter.

(3) A user may challenge the contents of an industrial discharge permit under the procedures set forth in §§ 18-245 and 18-246.

#### **§ 18-211 EXPIRATION OF INDUSTRIAL DISCHARGE PERMIT.**

An industrial discharge permit shall be issued for a specified time period, not to exceed five years. The user shall apply for industrial discharge permit reissuance a minimum of 90 days prior to the expiration of the user's existing industrial discharge permit. The terms and conditions of the industrial discharge permit may be subject to modification by the town during the term of the industrial discharge permit based on modifications of the prohibited discharge standards identified in § 18-214 or as the town deems necessary. The user shall be informed of any proposed changes in its industrial discharge permit at least 30 days prior to the effective date of change. Any changes or new conditions in the modified or reissued industrial discharge permit may include a time schedule for compliance. A user may challenge the contents of a modified or reissued industrial discharge permit under the procedures set forth in §§ 18-245 and 18-246. While such challenge is pending before the local hearing authority, the previous industrial discharge permit shall remain in effect.

#### **§ 18-212 REVOCATION OF PERMIT.**

In accordance with the procedure set forth in § 18-238, the town may revoke any user's industrial discharge permit for good cause, including, without limitation, the following:

(1) Failure to report the wastewater constituents and characteristics of its wastewater;

(2) Failure to notify the local administrative officer of significant changes to the character or volume of its wastewater;

(3) Failure to notify the local administrative officer of any change to the user's operations or systems that might cause a significant change in the character or volume of its wastewater;

- (4) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring in accordance with provisions of § 18-227;
- (5) Violation of any other conditions or requirements in its industrial discharge permit;
- (6) Falsifying self-monitoring reports and certification statements;
- (7) Tampering with monitoring facilities;
- (8) Failure to pay any penalties, charges, or fees provided for under this chapter;
- (9) Failure to meet any compliance schedules;
- (10) Submission of an incomplete industrial discharge permit application;
- (11) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter; or
- (12) Violation of any other provision of this chapter or any applicable state or federal regulation.

#### **§ 18-213 INDUSTRIAL DISCHARGE PERMIT NOT TRANSFERABLE.**

An industrial discharge permit is issued to a specified user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior submission of applicable revisions to the application for the existing industrial discharge permit and without the written approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing industrial discharge permit.

#### **§ 18-214 PROHIBITED DISCHARGE STANDARDS.**

(1) No user shall contribute or cause to be contributed, any pollutant or wastewater into the POTW that causes pass-through or interference. These general prohibitions apply to all such users 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.

(2) No user shall contribute, or cause to be contributed, any of the following pollutants, substances, or wastewater into the POTW:

(a) Any wastewater having a temperature that will inhibit biological activity in the WWTP or resulting in other interference with the treatment processes but, in no case, wastewater with a temperature which exceeds 60°C (140°F) at its introduction into the POTW or which exceeds 40°C (104°F) at its introduction into the WWTP;

(b) Any water or waste containing:

(i) More than 50 mg/l of fat, oil, or grease;

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

(iii) Other substances that will solidify or become viscous at temperatures between 0°C (32°F) and 60°C (140°F).

(c) Wastewater from industrial users containing floatable oils, fat, or grease;

(d) Any garbage that has not been properly shredded so that no particles are any greater than one-half inch in any dimension;

(e) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage to or creating a hazard to structures, equipment, or personnel of the sewerage system, or interfering with proper operation of the town's WWTP. All wastes discharged to the POTW must have a pH value in the range of six to ten standard units. Prohibited materials include, but are not limited to, concentrated acids or alkalides and high concentrations of compounds of sulfur, chlorine, and fluorine, and substances which may react with water to form strongly acidic or basic products;

(f) Any waters or wastes having a color which is not removable by existing wastewater treatment processes and which causes the WWTP effluent to exceed color requirements for discharge to the receiving stream;

(g) 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 system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 C.F.R. § 261.21. At no time shall two successive readings (15 to 30 minutes between readings) on an explosion hazard meter at the point of discharge into the POTW be more than 5% nor any single reading over 10% of the lower explosive limit (L.E.L.) of the meter. Prohibited materials covered by this section include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides;

(h) Any other solid or viscous substance in quantity or character capable of causing obstruction to flow in sewers or interference with proper operation of wastewater treatment facilities such as, but not limited to, eggshells from egg processors, ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, or lime or similar sludges;

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

(j) Any substance which may cause WWTP effluent or any other product of the POTW, such as residue, sludge, or scum, 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 system to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed by town, state, or federal authorities;

(k) Any substance which will cause the POTW to violate its NPDES permit and/or the quality standards of the receiving stream;

(l) Any water or wastes which, by interaction with other waters or wastes in the POTW, release noxious or malodorous gases, form suspended solids which interfere with the POTW, or create a condition deleterious to structures and treatment processes;

(m) Any form of inflow, as defined by § 18-203, including storm drainage and uncontaminated thermal process water;

(n) Infiltration, as defined by § 18-203, in excess of 200 gallons per inch of pipe diameter per mile of pipe per day;

(o) Any unpolluted wastewater, as defined in § 18-203;

(p) Any water or wastes that contain more than ten mg/l of hydrogen sulfide, sulfur dioxide, or nitrous oxide;

(q) Any toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with the wastewater treatment processes, or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the stream or watercourse receiving the effluent from the WWTP or to exceed limitations set forth in categorical pretreatment standards;

(r) Any wastewater containing suspended solids of such character and quality that unusual provisions, attention, or expense is required to handle such materials at the WWTP;

(s) Any wastewater containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA;

(t) Any wastewater that causes the town to exceed any limits or criteria established by WPC for the town at any time;

(u) Slug discharges, as defined in § 18-203;

(v) Any wastewater which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(w) Any wastewater, including, but not limited to, wastewater containing oxygen demanding pollutants (BOD and the like), released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW; and/or

(x) Any trucked or hauled wastewater, except at discharge points designated by the POTW.

(3) The admission into the POTW of any wastewater having a suspended solids content in excess of 500 mg/l on a 24-hour composite basis, or for any single sample having a suspended solids content greater than 1,500 mg/l will be subject to review by the town. Where necessary in the opinion of the town, the user shall provide and operate, at its own expense, such pretreatment as may be required to reduce the suspended solids content to meet the above requirements.

(4) (a) The admission into the POTW of any wastewater in volumes, or with constituents such that existing dilution conditions in the sewers or at the WWTP would be affected to the detriment of the POTW, shall be subject to review and approval of the town.

(b) Where necessary in the opinion of the town, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operation of any unit of the POTW. Said equalization or holding unit shall have a capacity suitable to serve its intended purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(5) Dilution is prohibited as substitute for wastewater treatment, except where expressly authorized to do so by an applicable pretreatment standard or requirement. No industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The town may impose mass limitations on industrial users whenever it deems appropriate.

(6) Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the categorical standards, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. All affected users shall notify the town of the applicable reporting requirements under 40 C.F.R. § 403.12.

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

(8) The town reserves the right to establish additional regulations containing more stringent limitations or requirements on discharges to the POTW if deemed necessary.

Penalty, see § 18-252

***Editor's note:***

*Model GX-3 Meter as manufactured by Gas Tech, Inc., Mountain View, California, referenced to establish a standard of quality for a measuring device*

**§ 18-215 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

Where applicable, users must comply with the categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

**§ 18-216 PRETREATMENT FACILITIES.**

(1) Industrial users shall provide wastewater treatment as necessary to comply with this chapter, any permit issued by the town to the industrial user, and all categorical pretreatment standards within the time limitations specified by EPA, the state, or the local administrative officer, whichever is more stringent. Any pretreatment facilities necessary for compliance shall be provided, operated, and maintained at the user's sole expense. Such sole responsibility shall not be affected nor shall any responsibility be assumed by the town, notwithstanding that the town may render any advice or assistance to any user.

(2) Where pretreatment facilities are required under § 18-215, plans, specifications, and other pertinent data or information relating to such facilities shall first be submitted to the town for review and approval in accordance with this chapter. Satisfactory evidence must be included that the method of disposal of pretreatment sludge has the approval of the appropriate state and/or local solid waste program agency. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alteration or addition to such pretreatment or flow control facilities shall not be made without due notice to and prior approval by the town.

(3) Such pretreatment facilities shall be constructed, maintained in good working order, and properly operated as efficiently as possible by the user at his or her own cost and expense, subject to the requirements of this chapter and all other applicable codes, ordinances, and laws.

**§ 18-217 ACCIDENTAL/SLUG DISCHARGE CONTROL PLANS.**

(1) Each significant industrial user, at its sole expense, shall develop, submit for approval, and implement an accidental/slugs discharge control plan to ensure that all significant industrial users are protecting against accidental or slug discharges. An accidental/slugs discharge control plan shall address, at a minimum, the following:

- (a) A description of discharge practices, including non-routine batch discharges;
- (b) A description of stored chemicals;
- (c) Procedures for immediately notifying the local administrative officer (or the WWTP operator) of any accidental or slug discharge, as required by § 18-225(4); and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures and equipment for emergency response.

(2) Review and approval of such plans and operating procedures do not relieve the significant industrial user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

#### **§ 18-218 MEASUREMENT OF FLOW.**

The volume or quantity of wastewater discharged by an industrial user into the POTW shall be measured by one or more of the following methods.

(1) If the volume of water used by any industrial user is substantially the same as the volume secured from the municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(2) If a substantial portion of the water secured by an industrial user from the municipal waterworks system is not returned to the POTW, the quantity of wastewater shall be determined as follows:

(a) By a meter (or meters) on the water supply line (or lines) to the industrial and/or process operations not discharging to the POTW;

(b) By a meter (or meters) on the waste line (or waste lines) that discharges into the POTW;  
or

(c) If meters as required under divisions (2)(a) or (2)(b) above are not installed, an estimate shall be made by the town for that proportion of water purchased which is used for industrial purposes and not returned to the POTW.

(3) If any industrial user now discharging or proposing to discharge wastewater into the POTW does not secure its entire water supply requirements from the municipal waterworks system, such user shall install and maintain a meter (or meters) on its waste line (or waste lines) that discharge into the POTW or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the POTW from both sources under procedures comparable to divisions (1) and (2) above.

**§ 18-219 ALL SOURCES OF WATER DISCHARGE AND SUPPLY MUST BE IDENTIFIED.**

All sources of water supply and all discharges of wastewater into the POTW must be identified in accordance with the provisions of § 18-218. Any omission shall be considered as an unauthorized use of the POTW.

**§ 18-220 MONITORING FACILITIES.**

(1) Any industrial user shall provide, operate, and maintain, at the user's sole expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. These monitoring facilities shall be as specified by the town. The monitoring facilities shall be situated on the user's premises.

(2) There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The facilities shall be maintained at all times in a safe and proper operating condition at the user's sole expense.

(3) When deemed necessary by the town, continuous recording and/or sampling equipment shall be installed and maintained at the user's sole expense.

(4) All sampling and monitoring facilities shall be provided in accordance with requirements of the town and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town. Additional construction time may be granted where so dictated by equipment availability.

(5) The town shall review monitoring facilities of present significant industrial users and may require additional monitoring facilities as required for compliance with divisions (1) through (3) above.

(6) New sources shall provide monitoring facilities as specified by the town prior to plant start up.

**§ 18-221 SAMPLING AND MONITORING REQUIREMENTS.**

(1) All pollutant analyses, including sampling techniques, to be submitted as part of a industrial discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, and amendments thereto, or with any other test procedures approved by the EPA Administrator, unless otherwise specified in an applicable categorical pretreatment standard.

(2) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and that is representative of conditions occurring during the reporting period.

(3) Except as indicated in divisions (6) and (7) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless the town specifically authorizes the user to use time-proportional composite sampling or grab sampling. Where time-proportional composite sampling or grab sampling is authorized by the town, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities.

(4) Multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

(a) For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; and

(b) For volatile organics and oil and grease, the samples may only be composited in the laboratory.

(5) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the local administrative officer, as appropriate. In addition, grab samples may be required to show compliance with any instantaneous limits.

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

(7) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 18-222(1) and 18-223, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the local administrative officer may authorize a lower minimum. The local administrative officer shall specify the number of grab samples to be collected by the industrial user that are necessary to assess and assure compliance with applicable pretreatment standards and the reports required by § 18-223.

#### **§ 18-222 BASELINE REPORTING.**

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the local administrative officer a baseline report that contains the information in divisions (1)(a) through (1)(g) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the local administrative officer a baseline report that contains the information listed in divisions (1)(a) through (1)(e) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(b) A list of any environmental control permits held by or for the facility, or that should be, or are anticipated to be, held by or for the facility.

(c) A description of operations that includes a brief description of the nature, average rate of production, standard industrial classification of the operation(s) carried out by the industrial user, and a schematic process diagram that indicates points of discharge to the POTW.

(d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined waste stream formula of Tennessee Rule 1200-4-14-.06(5). The town may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) Measurement of pollutants, including the following:

(i) The pretreatment standards applicable to each regulated process;

(ii) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or the town, of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation to the local administrative officer as required by the town or the applicable standards to determine compliance with the standard;

(iii) A minimum of one representative sample to compile that data necessary to comply with the requirements of this division (1)(e);

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of Tennessee Rule 1200-4-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 1200-4-14-.06(5), this adjusted limit along with supporting data shall be submitted to the local administrative officer;

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in § 18-220;

(vi) The town may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

(vii) The baseline report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(f) A compliance certification statement, reviewed by an authorized representative of the user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(g) A compliance schedule if additional pretreatment and/or O&M will be required to meet the pretreatment standards. This shall be the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(2) The following conditions shall apply to the compliance schedule required by division (1)(g) above:

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

(b) No increment referred to above shall exceed nine months;

(c) The user shall submit a progress report to the local administrative officer no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine months elapse between such progress reports to the local administrative officer.

#### **§ 18-223 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARDS.**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards and requirements shall submit to the local administrative officer a report containing the information described in § 18-222(1)(d) through

(1)(f). For users subject to categorical pretreatment standards and requirements expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance § 18-251 of this chapter. All sampling shall be done in accordance with the techniques prescribed in § 18-221.

#### **§ 18-224 MONTHLY COMPLIANCE REPORTS.**

(1) All significant industrial users shall submit monthly compliance reports indicating the nature and concentration of pollutants in the discharge that are subject to pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation to determine the compliance status of the user. These monthly compliance reports shall be submitted using copies of monitoring forms available from the town or approved by the local administrative officer. Monthly compliance reports shall be received by the town on or before the fifteenth day of the month following the reporting period. All monthly compliance reports shall be signed and certified in accordance with § 18-251 of this chapter.

(2) Monthly compliance reports may be submitted by email, provided, however, that the user shall also submit a hard copy of the monthly compliance report by U.S. mail on the same day as the email submittal. If the user relies on its email submittal to comply with deadline established in division (1) above, the postmark of the contemporaneous hard copy submittal shall be the exclusive method for establishing the submittal date.

(3) If a significant industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the town, using the procedures prescribed in § 18-221, the results of this monitoring shall be included in the report.

#### **§ 18-225 REPORTS OF POTENTIAL PROBLEMS.**

(1) If sampling performed by an industrial user indicates a violation, the user must notify the local administrative officer within 24 hours of becoming aware of the violation. The industrial user shall also repeat sampling and analysis and submit the results of the repeat analysis to the local administrative officer within 30 days after becoming aware of the violation. Re-sampling by the industrial user is not required if the town performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the town receives the results of this repeat sampling, or if the town has performed the sampling and analysis in lieu of the industrial user.

(2) Each industrial user must notify the local administrative officer of any change to the user's operations or system that might cause a significant change in the character or volume of its wastewater at least three months before the change.

(3) Significant industrial users are required to notify the local administrative officer immediately of any changes at its facility affecting the potential for a slug discharge.

(4) All industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including all slug discharges.

(5) Emergency notification procedures, including the contact information for the local administrative officer or his or her designee, shall be posted in a prominent place in each industrial user's facility so that all employees shall be advised of the procedures to be followed in the event of a violation, change, or discharge described in this section.

#### **§ 18-226 HAZARDOUS WASTE NOTIFICATION.**

All industrial users shall notify the town, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under Tenn. Comp. R. & Regs. 1200-1-11.

(1) Such notification must include the name of the hazardous waste as set forth in Tenn. Comp. R. & Regs. 1200-1-11, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place within 180 days of the effective date of this division (1) or no later than 180 days after the first discharge of the listed or characteristic hazardous waste, whichever is greater. Any notification under this division (1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted within 90 days of such change. The notification requirement in this rule does not apply to pollutants already reported under the self-monitoring requirements of §§ 18-222 and 18-223

(2) Industrial users are exempt from the requirements of division (1) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Tenn. Comp. R. & Regs. 1200-1-1 1-.02(4)(a) and (4)(d). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Tenn. Comp. R. & Regs. 1200-1-1 1-.02(4)(a) and (4)(d), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must

notify the town, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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

#### **§ 18-227 INSPECTION.**

Industrial users shall be subject to periodic inspections. Such inspections shall be made annually or more frequently, as deemed necessary by the town or as indicated in the user's industrial discharge permit, where applicable. The purpose of the inspection shall be to determine the character and strength of the users' wastewater to ascertain whether the purposes of this chapter are being met, all standards and requirements are being complied with, and to calculate user charges.

#### **§ 18-228 AUTHORITY FOR INSPECTION.**

(1) The local administrative officer and other duly authorized employees and contractors of the town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial wastes and other pollutants, in accordance with this chapter, at the expense of the wastewater discharger.

(2) (a) The local administrative officer and other duly authorized employees and contractors of the town are authorized to obtain information concerning industrial processes that have a direct bearing on the kinds and sources of discharges to the POTW. Any information submitted to the town pursuant to this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information.

(b) If no claim is made at the time of submission, the town may make the information available to the public without further notice. If a confidentiality claim is asserted, the information will be treated in accordance with the procedures in 40 C.F.R. Part 2 (Public Information). Notwithstanding the foregoing, any information and data provided to the town that is effluent data shall be available to the public without restriction, and all other information which is submitted to the town shall be available to the public to the extent provided by T.C.A. §§ 10-7-501 et seq.

(3) Persons or occupants of premises where wastewater is created or discharged shall allow the local administrative officer and other duly authorized employees and contractors of the town ready access at all reasonable times to all points on the premises in any way related to the generation, storage, transmission, discharge, or documentation of pollutants or wastewater for the purposes of inspection, sampling, records examination, or in the performance of any of their duties.

(4) The local administrative officer and other duly authorized employees and contractors of the town shall have the right to set up at any location on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.

(5) Where a user has security measures in force that would require proper identification and clearance before entry upon the premises, the user shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, the local administrative officer and other duly authorized employees and contractors of the town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(6) While performing the necessary work on private properties referred to in division (1) above, the local administrative officer and other duly authorized employees and contractors of the town shall observe all safety rules applicable to the premises established by the user; the user shall be held harmless for injury or death to town employees or contractors; and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required by § 18-220(2).

#### **§ 18-229 RECORD-KEEPING.**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; the person who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the town.

#### **§ 18-230 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.**

The town shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users that, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates divisions (3), (4), or (7) below) and shall mean:

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

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including any instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(3) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the town 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);

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

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

(6) Failure to provide, within 45 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;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the town determines will adversely affect the operation or implementation of the town's pretreatment program.

#### **§ 18-231 PROTECTION OF EQUIPMENT.**

No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials which are a part of the POTW or any equipment or materials used by the town for the purpose of making waste examinations and waste flow measurements and left upon the premises of a user. Only persons authorized by the town will be allowed to uncover, adjust, maintain, and remove such equipment and materials.

#### **§ 18-232 ENFORCEMENT RESPONSE PLAN.**

The town shall maintain an enforcement response plan, as modified from time to time, that shall govern the town's enforcement of this chapter.

**§ 18-233 NOTICE OF VIOLATION.**

Whenever the town has reason to believe that a user has violated, is violating, or is about to violate any provision(s) of this chapter, an industrial discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the local administrative officer may cause a notice of violation to be served upon the alleged violator or violators. The notice of violation shall specify the provision(s) of this chapter, industrial discharge permit, order, or pretreatment standard or requirement alleged to be violated, or about to be violated, and the facts alleged to constitute a violation thereof and shall inform the violators of the opportunity for a hearing before the local hearing authority pursuant to §§ 18-245 and 18-246.

**§ 18-234 CORRECTIVE ACTION PLAN.**

Within ten days of the receipt of a notice of violation, the user shall submit to the local administrative officer a written explanation of the violation and a plan for the satisfactory correction and/or prevention thereof, including specific required actions. Such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation, nor does it preclude the local administrative officer from issuing a separate compliance order pursuant to § 18-236.

**§ 18-235 EMERGENCY AUTHORITY.**

(1) Whenever the local administrative officer finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the POTW or WWTP, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to address the emergency, including suspension of a user's right to discharge into the POTW.

(2) If the violator fails to respond or is unable to respond to the local administrative officer's order, the local administrative officer may take such emergency action as he or she deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The local administrative officer may assess the user(s) responsible for the emergency condition for actual costs incurred by the town in addressing the emergency.

**§ 18-236 COMPLIANCE ORDER.**

(1) When the local administrative officer finds that a user has violated or continues to violate any provision(s) of this chapter, an industrial discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the local administrative officer may issue a compliance order to that user. A compliance order shall set forth required corrective action to be taken and a schedule of compliance specifying the dates by which such corrective actions must be performed. The local administrative officer may order that the user's sewer service be discontinued until the user satisfies the

requirements of the compliance order. A compliance order may not extend the deadline for compliance established by a pretreatment standard or requirement, nor may it relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. A compliance order may be issued concurrently with a notice of violation.

(2) The compliance order may, without limitation:

(a) Require a user to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter;

(b) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances;

(c) Require additional monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW; or

(d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purposes of this chapter.

#### **§ 18-237 ORDER TO CEASE AND DESIST.**

When the local administrative officer finds that a user has violated or continues to violate any provision(s) of this chapter, an industrial discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the local administrative officer may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### **§ 18-238 TERMINATION OF DISCHARGE.**

The local administrative officer may revoke an industrial discharge permit and/or terminate any user's right to discharge into the POTW for violation of any of the conditions listed in § 18-212. Prior to such revocation and/or termination, the user will be notified of such proposed action and be offered an opportunity to show cause under § 18-244 why the proposed action should not be taken. Exercise of this option by the local administrative officer shall not be a bar against, or a prerequisite for, taking any other action against the user.

**§ 18-239 INJUNCTION.**

When a user is alleged to have violated or is about to violate the provisions of this chapter, the local administrative officer may petition the Chancery Court of Rutherford County, Tennessee, through the Town's Attorney for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of the violation. Court proceedings brought under this section shall not be a bar against, or a prerequisite for, taking any other action against the user.

**§ 18-240 PRETREATMENT ENFORCEMENT COSTS OR EXPENSES.**

(1) When the local administrative officer finds that a user has violated or continues to violate any provisions) of this chapter, an industrial discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the local administrative officer may issue an order requiring the user to pay any costs or expenses incurred by the town in connection with the user's violation, including, without limitation:

- (a) Compensation for damage to the POTW, WWTP, or other wastewater treatment processes;
- (b) Costs of inspection and investigation to evaluate damage to the POTW, WWTP, or other wastewater treatment processes;
- (c) Extraordinary monitoring of the wastes associated with the violation;
- (d) Extraordinary treatment measures or processing imposed on the town by the violation;
- (e) Any fine or penalty related to a violation of the town's NPDES permit;
- (f) Costs or expenses incurred by the town related to damage to the environment that is attributed to the violation; and
- (g) Attorney's fees.

(2) The town may also require the user to furnish a bond or other security, with terms specified by the town, to hold the town harmless from any loss or expense that it may incur as a result of such noncompliance or any future non-compliance.

(3) Any order for costs or expenses issued in accordance with this section shall be paid no later than 30 days after the date of service of such order, except as provided for in division (4) below.

(4) Any user against whom an order for costs or expenses is issued may challenge that order under the procedures set forth in §§ 18-245 and 18-246. If the decision by the local hearing authority includes costs or expenses incurred by the town, in any amount, such costs and expenses must be paid no later than 14 days after the decision by the local hearing authority.

(5) An order under this section shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### **§ 18-241 CIVIL PENALTIES.**

(1) Any user who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs:

- (a) Violates any discharge prohibition, standard, or limitation imposed by this chapter;
- (b) Violates the terms or conditions of the user's industrial discharge permit;
- (c) Fails to submit applications, documentation, or plans required under this chapter;
- (d) Fails to allow or perform an entry, inspection, monitoring, reporting, or notification requirement of this chapter;
- (e) Fails to pay user or cost recovery charges imposed under this chapter; and
- (f) Violates a final determination or order of the local hearing authority or the local administrative officer.

(2) In assessing a civil penalty, the local administrative officer shall consider the following factors, without limitation:

- (a) The user's compliance history;
- (b) Whether the violation occurred after a schedule of compliance was issued;
- (c) Damages to the pretreatment agency, including compensation for the damage to the POTW, and also including any penalties, costs, and attorney's fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;
- (d) The severity of the violation, both in terms of the potential environmental damage of the pollutant, and its effect on the POTW;
- (e) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (f) Cause of the discharge or violation;
- (g) Effectiveness of the action taken by the user to cease the violation;

- (h) The technical and economic reasonableness of reducing or eliminating the discharge; and
- (i) The economic benefit gained by the violator.

(3) Any civil penalty assessed in accordance with this section shall be paid no later than 30 days after the date of service of the civil penalty, except as provided for in division (4) below.

(4) Any user against whom a civil penalty is assessed may challenge that assessment under the procedures set forth in §§ 18-245 and 18-246. If the decision by the local hearing authority includes a civil penalty, in any amount, such civil penalty must be paid no later than 14 days after the decision by the local hearing authority.

(5) The assessment of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### **§ 18-242 TERMINATION OF WATER OR SEWER SERVICE.**

Whenever a user fails to pay any applicable and duly prescribed charges, indemnities, or penalties provided for under this chapter, within the time limits prescribed for such payment, procedure for enforcement shall be as follows.

(1) The town shall give notice to such user by certified mail stating the specifics of the non-payment and requiring that the person make full payment within ten calendar days after receipt of notice.

(2) The town may thereupon, without further notice, cause the user's water service from the public water system to be discontinued or sever the user's connection to the sewerage system.

(3) In any case where water service is discontinued or the sewer connection is severed by the town for enforcement purposes, the restoration of such service shall be conditioned on full payment of all delinquent user charges and penalties and any expenses incurred in the enforcement proceedings and in the restoration of the service.

#### **§ 18-243 USERS NOT CONNECTED WHO FAIL TO COMPLY.**

In any case that involves a person who fails to comply with this chapter but who is not connected to or is not a user of the POTW, the town shall give notice to such person by certified mail, stating the specifics of the failure of compliance and requiring that the person promptly remedy the failure. At the same time, the town shall report the facts of such case in writing to such other government agency as may have jurisdiction and power to take appropriate enforcement action.

**§ 18-244 ORDER TO SHOW CAUSE.**

The local administrative officer may order any alleged violator to show cause before the local administrative officer why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the local administrative officer regarding the alleged violation; the proposed enforcement action; the reasons for the proposed enforcement action; and directing the user to show cause before the local administrative officer why the proposed enforcement action should not be taken. The notice of hearing shall also inform the user of his, her, or its right to be represented by counsel at the hearing and shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

**§ 18-245 PETITION FOR HEARING.**

(1) Any industrial discharge permit issuance, reissuance, modification, or denial, any notice of violation pursuant to § 18-233, any termination discharge pursuant to § 18-238, any civil penalty assessed pursuant to § 18-241, and any order issued by the local administrative officer pursuant to §§ 18-235, 18-236, and 18-240 shall become final and not subject to review unless the user subject to the action or order requests by written petition a hearing before the local hearing authority, no later than 30 days after the date such order is served. The local hearing authority may review an action or order that becomes final in the absence of a petition for hearing on the same grounds upon which a court of the state may review default judgments.

(2) A petition for a hearing under this section shall be submitted to the local administrative officer. The local administrative officer shall give the petitioner 30 days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than 60 days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement. Any person to whom an emergency order is directed pursuant to § 18-235 shall comply with the emergency order immediately, but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three days from the receipt of such petition by the local hearing authority.

(3) The petitioner shall have the opportunity to examine all relevant documents, records, and regulations of the town prior to the hearing.

**§ 18-246 HEARING PROCEDURES.**

The hearing provided for in § 18-245 will be conducted by the local hearing authority. The following procedures shall apply.

(1) A verbatim record of the proceedings shall be taken by a stenographer and filed with the town, together with the findings of fact and conclusions of law made pursuant to division (6) below. The

transcript so recorded shall be made available to the petitioner or any party to the hearing upon payment of a charge set by the town to cover the costs of preparation.

(2) (a) In connection with the hearing, the local administrative officer shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing.

(b) In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Rutherford County shall have jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring such person to appear and testify or produce evidence as the case may require, and any failure to obey such order of the court may be punished by such court as contempt.

(3) Any member of the local hearing authority may administer oaths and examine witnesses.

(4) The petitioner has the right to be represented by counsel, to cross-examine any and all witnesses against it, and to present any affirmative legal or equitable defenses.

(5) The hearing shall be conducted informally and evidence pertinent to the facts and issues raised may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The local hearing authority shall require all present to conduct themselves in an orderly fashion.

(6) Solely on the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this section shall be issued no later than 30 days following the close of the hearing by the chair.

(7) The decision of the local hearing authority shall be final and binding on all parties unless appealed to chancery court under the common law writ of certiorari as set out in T.C.A. § 27-8-101 within 60 days from the date such order or determination is made.

#### **§ 18-247 JUDICIAL PROCEEDINGS AND RELIEF.**

Notwithstanding any other provisions of this chapter, the town may initiate proceedings in the Chancery Court of Rutherford County, Tennessee, under T.C.A. § 69-3-127, to seek injunctive relief and any other relief available to the town in law or equity against any person who is alleged to have violated, or is about to violate, the provisions of this chapter, to enforce this chapter or to recover damages caused by the failure of any user to comply with this chapter.

**§ 18-248 COST RECOVERY.**

The town may from time to time adopt charges and fees as part of its budget process for the purpose of recovering costs from users for the implementation of this chapter and for the construction, operation, and maintenance of the POTW. Charges and fees may include, but are not limited to:

- (1) Service connection charges;
- (2) User charges;
- (3) Industrial user surcharges;
- (4) Fees for monitoring, inspections, and surveillance procedures;
- (5) Fees for reviewing accidental discharge procedures and construction;
- (6) Fees for permit applications;
- (7) Fees for filing appeals; and

(8) Other fees as the Town Council may deem necessary to carry out the requirements contained herein.

**§ 18-249 RATE SCHEDULES.**

The town will adopt and modify from time to time separate rate schedules to supplement this chapter.

**§ 18-250 AMENDMENT.**

The town expressly reserves the absolute right to amend, modify, rescind, or supplement this chapter at any time.

**§ 18-251 CERTIFICATION STATEMENT.**

The following certification statement is required to be signed and submitted by users submitting industrial discharge permit applications in accordance with § 18-209, baseline monitoring reports in accordance with § 18-222, reports on compliance with the categorical pretreatment standard deadlines in accordance with § 18-223, and monthly compliance reports in accordance with § 18-224. The following certification statement must be signed by an authorized representative of the industrial user as defined in § 18-203:

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

**§ 18-252 CRIMINAL PENALTIES.**

In accordance with T.C.A. § 69-3-115(c), any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data, or who willfully and knowingly causes the town to violate its NPDES permit or to otherwise fail to comply with applicable water quality standards, or who willfully fails, neglects, or refuses to comply with any of the provisions of the Water Quality Control Act of 1977, as amended, commits a Class E felony and is subject to punishment by a fine of not more than \$25,000 or incarceration, or both.



### CHAPTER 3: WATER AND WASTEWATER TAP FEE AND RATE SCHEDULE

#### Section

- 18-301 Water capacity fee schedule
- 18-302 Wastewater capacity fee schedule
- 18-303 Special assessment zone fees
- 18-304 Special assessment zone
- 18-305 Water and sewer department rate schedule
- 18-306 Fee schedule to be charged of initiation of utility service
- 18-307 Tank truck disposal charges
- 18-308 Fees for private fire hydrants and sprinklers
- 18-309 Sewer inspection fee

#### § 18-301 WATER CAPACITY FEE SCHEDULE.

(1) Each water tap shall be based on the number of residential units demanded to equal the peak day anticipated volume, or part thereof. A residential unit shall be defined as a 200 gallons per day demand. Water capacity fees shall be set by Town Council in the fee schedule adopted in accordance with the annual budget ordinance.

(2) The actual cost of labor and material, in addition to the usage demand charge, shall be charged for all meters larger than a five-eighths by three-fourths residential style meter.

(3) All road crossing, road repair, or service lines in excess of 25 feet from existing water main shall be charged at the actual cost of labor and material.

(4) The following schedule shall prevail to establish a guide as to the number of residential units associated with certain type activities.

Apartment (each)	1 unit
Car wash (full service)	10 units/bay
Car wash (self service)	2 units/bay
Convenience store w/cooking	5 units
Fast food restaurant	8 units

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Laundromat	1/4 unit per washer
Lounge	5 units
Manufacturing facility	Negotiated (based on 1 unit per each 200 G.P.D. peak demand)
Motel room (each)	1/4 unit
Office building	1 unit per 3,000 S.F. or portion thereof of total space
Restaurant (order from menu)	10 units
Service station	5 units
Single-family dwelling (home)	1 unit
Warehouse	1 unit per 10,000 S.F. or portion thereof of total warehouse floor space plus 1 unit per 2,000 S.F. or portion thereof of office space

(5) Water tap fees for yard/irrigation meters for new and existing construction and for other secondary meters that are added to existing customers to separate flows for billing purposes shall be set by Town Council in the fee schedule adopted in accordance with the annual budget ordinance.

(2007 Code, § 18-301) (Ord. 06-27, passed 6- -2006)

### § 18-302 WASTEWATER CAPACITY FEE SCHEDULE.

Each sewer (wastewater) tap shall be based on the number of residential units demanded to equal the peak day anticipated volume, or part thereof, of potable water demand. Wastewater capacity fees shall be set by Town Council in the fee schedule adopted in accordance with the annual budget ordinance. The number of units will be determined by the number of units applicable to water taps. This fee is for the availability of sewer service and includes no service or lateral construction by the town. The capacity fee shall be due and payable as a condition of the final plat approval or prior to receiving a certificate of occupancy. Payment of said capacity fee is not subject to refund or reimbursement by the town.

(2007 Code, § 18-302)

***Editor's note:***

*This section was modified in the 2017 update*

### § 18-303 SPECIAL ASSESSMENT ZONE FEES.

(1) Applicable to any sewer tap where the Town Council have determined it is necessary to increase sewer capacity fees to recover expenditures of the town or where the Town Council, in recognition of the fact that a private developer has been required to expend monies over and above that required to provide service to his or her development, and these constructed facilities will benefit other development,

that the Council has seen fit to allow an increased capacity fee be charged with a portion of the proceeds as determined prior to construction being reimbursed to the developer.

(2) These fees shall be levied on an individual project basis and shall be passed by ordinance by the Town Council.  
(2007 Code, § 18-303)

**§ 18-304 SPECIAL ASSESSMENT ZONE.**

(1) *The Harts Branch drainage basin sanitary sewer (Project 776)*. The “unit sewer capacity fee” shall be increased (over the base fee) by \$100 for each 2,000 l.f. of sanitary sewer construction which was completed under the town project number 776. The base zone fee shall be \$1,200.

(2) *The Stewart Creek drainage basin sanitary sewer (Project 180)*. The attached Exhibit “B” indicates the special assessment zones related to the Stewart Creek drainage basin. The “unit sewer capacity fee” shall be the base zone fee as established in § 8-302 plus \$1,600 in Zone A (East of 1-24). The unit sewer capacity fee shall be the base zone fee as established in § 18-302, plus \$2,400 in Zone B (West of 1-24). This fee will apply to all branch or extension sewer mains connected to the mains constructed under the Project 180.

(3) *The Sam Griffin Road basin sanitary sewer (Project 14-01)*. The total capacity fee per equivalent residential unit for this assessment zone shall be \$2,000. This fee will apply to all branch or extension sewer mains connected to the mains constructed under the Project 14-01.

(4) *The Old Nashville Highway drainage basin sanitary sewer (Project 15-01)*. The Special Assessment Zone is located between Old Nashville Highway, Rock Springs Road and Blue Springs Drive, excluding Valley of the Springs Subdivision and is related to the Old Nashville Highway drainage basin. The “unit sewer capacity fee” shall be the base zone fee as established in § 18-302 plus \$1,000. This fee will apply to all branch or extension sewer mains connected to the mains constructed under the town of Project 15-01.

(2007 Code, § 18-304) (Ord. 14-28, passed 9- -2014; Ord. 15-09, 6- -2015)

**§ 18-305 WATER AND SEWER DEPARTMENT RATE SCHEDULE.**

(1) *Water*. Water rate fees shall be set by Town Council in the fee schedule adopted in accordance with the annual budget ordinance.

(a) For any customer whose water requirements are such that the Town Council authorizes the Director of Utilities Department to enter into service agreements, the rates shall be set with such customer per such service agreement. Minimum billing amounts and sales prices in addition to the cost of water shall be set by the service agreement.

(b) State sales tax will be added to each monthly bill unless tax exempted.

(2) *Sewer*. Sewer fees shall be set by Town Council in the fee schedule adopted in accordance with the annual budget ordinance.

(a) For any residential customer or builder who is currently engaged in the construction of a structure the service is intended to serve, an application for service has been completed, and the customer has an active and valid building permit in effect, wastewater charges shall not apply.

(b) Wastewater charges made on water designated for irrigation and separately metered, shall not apply. An application for such service for any meter so designated must be on file in the utility department. No adjustments for water charges related to leakage shall be allowed for irrigation meters.

(c) The policy of allowing the use of un-metered water for the purpose of bricklaying, painting, and the like will continue in return for the customer properly placing the water meter box to grade shall continue.

(d) The policy of allowing the adjustment of wastewater charges on water to fill swimming pools once each calendar year will continue.

(e) The policy of allowing the adjustment of wastewater charges on water, where an affidavit is presented, when a leak has occurred and has been fixed, shall be continued.

(f) This policy will be changed to allow for more than one billing to be adjusted when the leak has occurred over more than one billing period.

(2007 Code, § 18-305) (Ord. 06-27, passed 6- -2006)

#### **§ 18-306 FEE SCHEDULE TO BE CHARGED OF INITIATION OF UTILITY SERVICE.**

(1) There shall be a fee charged for the initiation of new water service as set forth in the fee schedule adopted by the Town Council in accordance with the annual budget ordinance. There shall be a fee charged for the transfer of water service and for re-connection of water service disconnected as a result of non-payment as set forth in the fee schedule adopted by the Town Council in accordance with the annual budget ordinance.

(2) The above fees will be increased on a per trip basis if the service is performed during times Town Hall offices are not open for regular business in an amount set forth in the fee schedule adopted by the Town Council in accordance with the annual budget ordinance.

(2007 Code, § 18-306)

#### **§ 18-307 TANK TRUCK DISPOSAL CHARGES.**

(1) Each load will be tested to guard against toxic or other illegal waste being dumped into the system. Dumping will be restricted to 9:00 a.m. to 4:00 p.m. to ensure that the lab is open to perform the tests. The load must originate within the town's limits.

(2) Charges for dumping septic tank waste a the wastewater treatment plants shall be in an amount set forth in the fee schedule adopted by Town Council in accordance with the annual budget ordinance. (2007 Code, § 18-307)

**§ 18-308 FEES FOR PRIVATE FIRE HYDRANTS AND SPRINKLERS.**

The capacity fee for connection of private fire protection lines shall be \$500 per inch diameter of connection to the town's lines. (2007 Code, § 18-308)

**§ 18-309 SEWER INSPECTION FEE.**

There shall be a fee as adopted by the Town Council in accordance with the annual budget ordinance for sewer inspections. (2007 Code, § 18-309)



## CHAPTER 4: CROSS-CONNECTION CONTROL

### Section

- 18-401 Definitions
- 18-402 Construction, operation, and supervision
- 18-403 Non-potable supplies
- 18-404 Provision applicable
- 18-405 Statement required
- 18-406 Fees
- 18-407 Penalty; discontinuance of water supply

### § 18-401 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR GAP.** A vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved **AIR GAP** separation must be at least twice the inside diameter of the supply line, but not less than two inches. Where a discharge line serves as receiver, the **AIR GAP** separation shall be at least twice the diameter of the discharge line, but not less than two inches.

**APPROVED.** The device or method is accepted by the state's Department of Environment and Conservation and the Director as meeting specifications suitable for the intended purpose.

**ATMOSPHERIC VACUUM BREAKER.** A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or a sub-atmospheric pressure in the water system.

**AUXILIARY.** Any water supply, on or available to a premise, other than that directly supplied by the public water system.

**BACKFLOW.** The reversal of the intended direction of flow in a piping system.

**BACKSIPHONAGE.** The flow of water or other liquids, mixtures, or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

**BYPASS.** Any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

**CROSS-CONNECTION.** Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply, as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which or because of which, backflow could occur are considered to be **CROSS-CONNECTIONS**.

**DEPARTMENT.** The town's Utilities Department.

**DIRECTOR.** The Director of Utilities for the town or his or her authorized deputy, agent, or representative.

**DOUBLE CHECK DETECTOR ASSEMBLY.** An assembly of two independently operating spring-loaded check valves with a water meter (protected by another check valve or a reduced pressure backflow prevention device, depending upon degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

**DOUBLE CHECK VALVE ASSEMBLY.** An assembly of two independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each check valve.

#### **FIRE PROTECTION SYSTEMS.**

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

(b) Class 2 shall be the same as Class 1 except that booster pump may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains.

(d) Class 3 shall be those with direct connection from public water supply mains, and in potable condition.

(e) Class 4 shall be those with direct connection from the public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(f) Class 5 shall be those with direct connection from the public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to

contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

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

**POTABLE WATER.** Water that meets the criteria of the state's Department of Environment and Conservation and the Environmental Protection Agency for Human Consumption.

**PRESSURE VACUUM BREAKER.** An assembly consisting of a device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

**PUBLIC WATER SUPPLY.** The town waterworks system, which furnishes water to the town for general use and which is recognized at the public water supply by the state's Department of Environment and Conservation.

**REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE.** An assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

(2007 Code, § 18-401)

## § 18-402 CONSTRUCTION, OPERATION, AND SUPERVISION.

Construction and operation subject to approval of state's Department of Environment and Conservation, under supervision of the Director of Utilities.

(1) *Compliance with T.C.A.* The town's Water Department is to comply with T.C.A. Title 68, Ch. 221 as well as the rules and regulations for public water systems, 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.

(2) *Regulated.*

(a) 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 state's Department of Environment and Conservation, and the operation of such cross-connection auxiliary intake, bypass, or interconnections at all times under the direction of the Director of Utilities for the town.

(b) If, in the judgment of the Director or his or her designated agent, an approved backflow prevention device is required at the town's water service connection to the customers premises, or at points within the premises, to protect the potable water supply, the Director shall compel the installation and maintenance of said device at the owner's expense.

(c) For new installations, the Department shall inspect the site and/or review plans in order to determine the type of backflow prevention device, if any, that will be required, and notify the owners in writing of the required device. All required devices must be installed and operable prior to initiation of water service.

(d) For existing premises, the Department shall perform evaluations and inspections and shall require correction of violations in accordance with federal, state, and local law.

(3) *Plumbing permit required.* No installation, alteration, or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first securing a suitable plumbing permit from the town's Building Codes Department. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection.

(4) *Inspections.*

(a) The Director shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed feasible. The frequency of inspections and reinspection based on potential health hazards involved shall be established by the Director in accordance with guidelines acceptable to state's Department of Environment and Conservation. The Director or authorized representative shall have the right to enter at any reasonable time any property served by a connection to town's public water system for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices.

(b) On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(5) *Corrections of violations.*

(a) Any person found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the Director shall designate the amount of time, but in no case shall the time for correction exceed 90 days.

(b) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the

Director of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system.

(c) Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right to a due process hearing shall be determined by the Director, and upon timely request. The time allowed for preparation for a due process hearing shall be in relationship with the risk of hazard to the public and may follow disconnection when the risk of public health and safety in the opinion of the Director warrants disconnection prior to a due process hearing.

(d) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the T.C.A. Title 68, Ch. 221, within the time limits set by the Department shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the Director shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk of public health and safety, in the opinion of the Director, warrant disconnection prior to a due process hearing.

(6) *Required protective device.*

(a) Where the nature of use of the water supplied to a premises by the water system is such that it is deemed:

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

(ii) The owner and/or occupant of the premises cannot, or is not willing, to demonstrate to Director or his or her designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or portability of the water;

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

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

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

(vi) The plumbing from a private well enters the building served by the public water supply.

(b) Then the Director 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 customers premises is contained therein.

(i) The protective devices shall be of the type approved by the state's Department of Environment and Conservation and the Director as to manufacture, model, size, and application. The Director, prior to, shall approve the method of installation of backflow protective devices installation and shall comply with the criteria set forth by the state's Department of Environment and Conservation and with the installation criteria set forth in division (6)(b)(vi) below. The installation shall be at the expense of the owner or occupant of the premises.

(ii) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for most commercial and educational buildings, construction sites, all industrial, institutional, and medical facilities, all fountains, lawn irrigation systems, swimming pools, softeners and other point of use treatment systems, and on all fire hydrant connections other than by the Fire Department in combating fires.

(A) Class 1, Class 2, and Class 3 fire protection systems generally shall require a double check detector assembly, except a reduced pressure backflow prevention device shall be required where:

(1) Underground fire sprinkler pipelines are parallel to and within ten feet horizontally of pipelines carrying sewage or significantly toxic wastes;

(2) Premises have unusually complex piping systems; or

(3) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(B) Class 4, Class 5, and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(C) Wherever the fire sprinkler system piping is not an acceptable potable water system material, or chemicals such as liquid foam concentrates are used, a reduced pressure backflow prevention device shall be required.

(iii) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(iv) Additionally, the Director may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(v) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, double check valve assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following.

(A) All required devices must be installed pursuant to the town code and by person certified by the state's Department of Environment and Conservation, Division of Drinking Water, or its successor. Evidence of current certification at the time of installation will be required.

(B) All devices shall be installed in accordance with the manufacturer installation instructions, and shall possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to Department test devices.

(C) The entire device including test cocks and valves shall be easily accessible for testing and repair.

(D) Reduced pressure backflow prevention devices shall be located a minimum of 12 inches, plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed 60 inches.

(E) Clearance of device from wall surfaces or other obstructions shall be a minimum of six inches.

(F) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging environment.

(G) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(H) An approved air-gap shall separate the relief port from any drainage system.

(I) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve.

(J) Devices shall be located in an area free from submergence or flood potential.

(K) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four times the area of the relief port or that the multiple drain lines are at least two and one-half times the area.

(L) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed in such a manner that backsiphonage/backflow through the drain may occur.

(M) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in a fire protection system, the discharge of the pump must be on the downstream side of any check valve or backflow prevention device. Where the supply for the jockey pump is taken from the upstream side or the check valve or backflow prevention device, an assembly of the same type as required on the main line shall be installed on the supply line.

(N) High volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches ten psi ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air-gap discharges into the reservoir.

(vi) Personnel of the Department or the Director's designee shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the Director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(vii) 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. Where it is found that only one unit has been installed and the continuance of service is critical, the Director shall notify, in writing, the occupants of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the Director may require the installation of a duplicate unit. The Director shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Qualified personnel shall make repairs acceptable to the Director. The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuance of water service to premises. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device 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 Director.

(viii) A person possessing valid certification from the state's Department of Environment and Conservation, Division of Drinking Water (or its successor) for the testing of such devices shall test devices at least annually. Records of all tests shall be provided to the Department. Personnel of the Department shall have the right to inspect and test the devices whenever deemed necessary by the Director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(2007 Code, § 18-402)

### **§ 18-403 NON-POTABLE SUPPLIES.**

(1) The potable water system made available to premises served by the public water system 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".

(2) The minimum acceptable sign shall have black letters at least one inch high located on a red background.

(3) Color coding of pipelines in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the Director, such color-coding is necessary to identify and protect the potable water supply.

(2007 Code, § 18-403)

**§ 18-404 PROVISION APPLICABLE.**

The requirements contained herein shall apply to all premises served by the town's public 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 town to provide water services to any premises. This chapter shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination. Any person aggrieved by the action of the Director is entitled to a due process hearing upon timely request.

(2007 Code, § 18-404)

**§ 18-405 STATEMENT REQUIRED.**

Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Director a statement of the nonexistence 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.

(2007 Code, § 18-405)

**§ 18-406 FEES.**

(1) The Water and Sewer Department's (Department) cross-connection control officer, provided the device tests satisfactorily, shall charge no fee for the initial or annual test of a backflow prevention device. In the event that a backflow prevention device fails the initial or annual test, or there are deficiencies in the installation either from failure to conform to the installation criteria specified within this chapter or from deterioration, then the cross-connection officer shall issue a written notice of failure/deficiency. There shall be no fee for re-inspection by the cross-connection control officer, provided the failure/deficiency is corrected within 30 days of the written notice.

(2) Whenever a failure/deficiency mentioned in division (1) above is not corrected within 30 days of written notification, a fee shall be charged for re-testing by the cross-connection control officer. The amount of this fee shall be set and adjusted as necessary by the Town Council based upon the

recommendations of the Director of the Water and Sewer Department to reflect the cost of providing cross-connection control and shall be in an amount set forth in the fee schedule adopted in accordance with the annual budget ordinance.

(3) The fee shall be assessed each time a device is re-tested by the Department subsequent to failure/deficiency after the initial 30-day period mentioned in division (1) above. Where repeated re-inspection and/or re-testing are required to correct violations or deficiencies, the fee shall be assessed each time the inspection/test is repeated.

(2007 Code, § 18-406)

#### **§ 18-407 PENALTY; DISCONTINUANCE OF WATER SUPPLY.**

(1) Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and subject to a fine of up to \$500 on the first offense and \$1,000 for each offense thereafter within any five-year period.

(2) Independent of and in addition to fines and penalties, the Director may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued.

(2007 Code, § 18-407)

## CHAPTER 5: RECLAIMED WATER

### Section

- 18-501 Use of system regulated
- 18-502 Purposes, objectives, and application
- 18-503 Approved uses of reclaimed water
- 18-504 Requirement for the development of reclaimed water system
- 18-505 Reclaimed water use permit
- 18-506 Definitions
- 18-507 Reclaimed water connection and meter installation charge
- 18-508 Reclaimed water main extensions and facilities funded in whole or in part by developers
- 18-509 Variances from and effect of preceding rules as to extensions
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- 18-519 Inspections; fees
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- 18-521 Customer's responsibility for violations
- 18-522 Supply and resale of reclaimed water
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- 18-526 Restricted use of reclaimed water
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- 18-529 Backflow prevention
- 18-530 Provisions applicable
- 18-531 Penalty

### ***Editor's note:***

*This chapter was modified in the 2017 update*

**§ 18-501 USE OF SYSTEM REGULATED.**

All persons using, desiring, or required to use the reclaimed water system of the town shall comply with the provisions of this chapter and all other provisions in this code relating to the public water and sanitary sewerage system of the town.

**§ 18-502 PURPOSES, OBJECTIVES, AND APPLICATION.**

The provisions contained in this chapter of the town code set forth uniform requirements which regulate the use of the reclaimed water system.

**§ 18-503 APPROVED USES OF RECLAIMED WATER.**

Sites may use reclaimed water for a variety of uses approved by the town. These include, but are not limited to: landscape irrigation, agricultural irrigation, construction water, water for industrial purposes, impoundment (fountains), and indoor toilet and urinal flushing. Each use of reclaimed water must have a permit from the town prior to receiving reclaimed water. The town, at its discretion, can require or specify what sites and/or uses of reclaimed water are to be utilized in its service area. Sites may use reclaimed water only for those uses approved by the town and the state. The design and operation of the reclaimed water system shall be in accordance with the “Policies and Procedures for the Design and Operation of Reclaimed Water Facilities” as adopted by the town.

**§ 18-504 REQUIREMENT FOR THE DEVELOPMENT OF RECLAIMED WATER SYSTEM.**

(1) A reclaimed water system may be required in developments with more than five acres or ten building units and in developments with mandatory landscaping requirements. The potential amount of reclaimed water used by the development and the location of the development in relation to the town’s reclaimed water system will be the criteria used to determine whether a reclaimed water system will be required for the development. In general, developments that use 7,500 gallons per day or more of reclaimed water (as determined by floor/area ratio and green space irrigation requirements) and are located within 1,000 feet of an existing reclaimed water system will be required to install a reclaimed water system. All developments subject to these requirements shall submit to the town’s Utilities Department an estimate of the potential water reuse quantities within the proposed development (in conjunction with the site plan submittal to the Planning Department).

(2) A designated representative of the town’s Utilities Department shall determine the extent of the reclaimed water system to be installed in the proposed development. Proposed development required to install a reclaimed water system shall be responsible for extending the reclaimed water system to the project site (i.e., extending water/sewer lines), if the town’s reclaimed water system is within 1,000 feet of the proposed project/development. If the proposed development is located more than 1,000 feet from the existing reclaimed water system, and the Utilities Department requires the developer to install a reclaimed water system, the town may extend the reclaimed water system to within 1,000 feet of the

proposed development. If it is determined by the Utilities Department that the development is required to install a reclaimed water system, dual water systems (potable water and reclaimed water) shall be installed in the development, regardless of whether reclaimed water is currently available in the area. When reclaimed water is available to the site, the Utilities Department will be responsible for connecting the reclaimed water to the development's reclaimed water system.

#### **§ 18-505 RECLAIMED WATER USE PERMIT.**

Every site must obtain a reclaimed water permit from the town prior to receiving reclaimed water. Permits will only be issued after the site has met all of the permit conditions. If in the opinion of the Utilities Director or his or her designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the applicant or his or her agent, and any reinspection of the same work is required, then a fee of \$50 per reinspection may be assessed against and collected from the applicant or his or her agent. No portion of the permitted work shall continue without first paying the reinspection fee.

#### **§ 18-506 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EFFLUENT.*** Treated wastewater that flows out of a treatment plant, sewer, or industrial outfall.

***POTABLE WATER.*** Water that is safe for drinking.

***RECLAIMED WATER.*** Wastewater that is treated and reused to supplement water supplies. ***RECLAIMED WATER*** meets safety standards, also called repurified water. ***RECLAIMED WATER*** should not be used for drinking water.

***SURFACE WATER.*** Water that runs off the land into rivers, lakes, streams, and oceans.

***WASTEWATER.*** Used water from individual homes, communities, farms, or businesses that contains dissolved or suspended matter.

***WATER REUSE.*** Using wastewater or reclaimed water from one application for another application. Possible beneficial reuse options include irrigation, aesthetic uses, groundwater recharge, fire protection, and industrial heating and cooling.

#### **§ 18-507 RECLAIMED WATER CONNECTION AND METER INSTALLATION CHARGE.**

(1) The reclaimed water installation charge shall be paid by all customers required to use reclaimed water or that request reclaimed water service. Customers that currently have irrigation meters will not

be charged an installation fee. The charge shall be due and payable at time of application for reclaimed water service. The reclaimed water meter installation charge will be paid in accordance with the meter installation fee schedule included in the annual budget ordinance.

(2) In the event the town does any installation work not covered in the above schedule, the cost of such work shall be charged to the customer according to a schedule of rates established by the Utilities Department.

(3) Reclaimed water service lines connected to the reclaimed water system shall be located and installed in accordance with the established standards of the town. When a service line is completed and accepted by the town as part of the reclaimed water system, the town shall be responsible for the maintenance and upkeep of such service line from the reclaimed water main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box to the customer's premises shall belong to and be the maintenance responsibility of the customer.

#### **§ 18-508 RECLAIMED WATER MAIN EXTENSIONS AND FACILITIES FUNDED IN WHOLE OR IN PART BY DEVELOPERS.**

If offsite reclaimed water system improvements are required for any proposed development, the developer shall pay the cost of all offsite reclaimed water system improvements. As a minimum, the developer must install reclaimed water lines in accordance with the town's standard specifications. If the town has a need for the offsite or onsite reclaimed water system to be larger than that needed for the developer, the town will enter into a contract with the developer, prior to work commencing, to pay for any upsizing needed by the town.

#### **§ 18-509 VARIANCES FROM AND EFFECT OF PRECEDING RULES AS TO EXTENSIONS.**

The Town Council may grant a variance or waiver from requirement of this chapter, upon written request by a developer or owner of property subject to this chapter. The Town Council shall grant the waiver or variance only upon finding that a strict application of such requirement would result in confiscation of the property. The authority to make reclaimed water main extensions under § 18-508 is permissive only and nothing contained therein shall be construed as requiring the town to make water main extensions or to furnish service to any person or persons.

#### **§ 18-510 CONSTRUCTION OF RECLAIMED WATER LINES.**

All persons who undertake the construction of reclaimed water lines located in, or affecting reclaimed water service provided by, the town shall comply with the requirements and regulations set forth in the town's standard specifications for design and construction of reclaimed water system, along with any amendments, additions, or alteration that may thereafter be adopted by the Town Council by resolution, copies of which may be purchased in the office of the Town Recorder. Upon completion of

the construction of any such reclaimed water line and upon approval by the town, such reclaimed water lines and mains and appurtenances shall become the property of the town. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the town necessary to provide evidence of the town's title to such lines and mains. In consideration of such line and mains being transferred to the town, the town shall incorporate said mains as an integral part of the town's reclaimed water system and shall furnish reclaimed water therefrom in accordance with this chapter. When for cause shown, the Town Council determines that it is in the best interest of the reclaimed water system and the general public to extend reclaimed water service without requiring strict compliance with this section, and/or the requirements of the standard water and sewer specifications, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Town Council. The authority to extend reclaimed water service is permissive only, and nothing contained herein shall be construed as requiring the town to provide reclaimed water service to any person or entity.

#### **§ 18-511 RECLAIMED WATER METERS.**

(1) All reclaimed water meters shall be installed, tested, repaired, and removed by the town, or pursuant to the specifications, regulations, and requirements of the town. No meter shall be installed without the consent of the town. No meter shall be tampered with or removed.

(2) (a) In the event that any reclaimed water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view, or otherwise rendered unreadable or inaccessible by the town for purposes of monitoring water usage, or if the meter is not brought up to grade according to town specifications, the customer responsible for the meter shall be fined \$50 for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view, or otherwise rendered unreadable or inaccessible, or otherwise not in compliance, the customer shall pay to the town a minimum monthly payment equal to the average reading for the preceding six-month period for water service.

(b) In addition, upon either discovery or notice by the town of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view, or otherwise rendered unreadable, or inaccessible, or not brought to grade, the customer shall immediately take measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the town. In addition, when the meter is uncovered and/or unobstructed, the customer responsible shall pay for the total consumption since the last available reading.

(c) If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view, or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with town specifications, the customer shall be billed for the repairs and/or replacement of the meter in accordance with the greater of the tampering or damaged meter fees schedules in the annual budget ordinance.

(d) Any repairs, replacement, or relocation of meters, boxes, service lines, or associated utilities necessitated by damage to meters, boxes, service lines, or associated utilities, or failure to install according to town specifications, shall be paid by the responsible customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one hour minimum labor charge for repair, replacement, or relocation of any damaged water utilities. The costs of any relocation of an existing service requested by a customer shall be billed to such customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one hour minimum labor charge for relocation of any water utilities.

(3) Service shall not commence to any new customer if the meter is obstructed, covered, damaged, or otherwise unreasonable or inaccessible by the town, or is not brought to grade, or otherwise not installed according to town specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a fine for each month in which the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the town or is not brought to grade or otherwise not installed according to town specifications. The fine will be equal to the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance.

(4) If a customer in whose name new service has been extended fails, after reasonable notice by the town, to correct any improperly installed water, as herein before described, the town reserves the right to refuse new service to the builder at other locations in the town until the deficiency is corrected.

(5) Any unauthorized removal or tampering with the meter shall result in a fine equal to the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance per occurrence.

#### § 18-512 METER TESTS.

(1) The town 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 measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the measured amounts of water within the percentage shown in the following table.

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

(2) If a customer requests a meter test and the test results are within these percentages, the customer must pay all expenses related to testing the meter.

**§ 18-513 MULTIPLE SERVICES THROUGH A SINGLE METER.**

No customer shall supply reclaimed water service to more than one dwelling or premises from a single service line.

**§ 18-514 BILLING.**

All reclaimed water bills may be rendered weekly, semi-monthly, or monthly, at the option of the town. Reclaimed water bills must be paid on or before the due 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 due date. In the event a bill is not paid on or before ten days after the due date, the customer's service shall be discontinued without further notice. The town shall not be liable for any damages resulting from discontinued 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 weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. 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 town reserves the right to render an estimated bill based on the best information available. Any authorized removal or tampering with the meter shall result in a remedial fine equal to the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance per occurrence.

**§ 18-515 DISCONTINUANCE OR REFUSAL OF SERVICE.**

(1) The Town Council 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:

- (a) Nonpayment of bill or other charges;
- (b) Partial payment of bill or other charges;
- (c) Town rules, regulations, or policies;
- (d) Customer's application and agreement for service;
- (e) Any threat to public health on the customer's premises, which may endanger other customers;
- (f) Tampering with town equipment or stealing service; and
- (g) In the event that a customer has allowed more than one service on one tap.

(2) Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one 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 town 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 agreement.

#### **§ 18-516 DISCONNECT SERVICE CHARGE.**

Whenever service is disconnected, as provided for in §§ 18-414 and 18-415, above, prior to reinstatement of that customer's service, a charge in an amount set by the annually adopted fee schedule shall be paid to the office of Town Recorder. This disconnect service charge also applies if the service technician is in route to disconnect service.

#### **§ 18-517 DISCONTINUANCE OF SERVICE BY CUSTOMER.**

(1) Customers who wish to discontinue service must request termination of service in writing. No telephone request or cutoffs will be honored. The customer in whose name the service is furnished or their legal representative must request the termination. A minimum of three days' notice is required.

(2) The customer will be responsible for all charges which accrue to the end of the termination date, including the minimum charge.

#### **§ 18-518 ACCESS TO CUSTOMERS' PREMISES.**

The town'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 town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

#### **§ 18-519 INSPECTIONS; FEES.**

(1) The town 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.

(2) If, in the opinion of the Director of Utilities or his or her designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his or her agent, and any reinspection of the same work is required, then a fee as established by the Council per reinspection may be assessed against and collected from the permittee or his or her agent. No portion of the permitted work shall continue without first paying the reinspection fee.

(3) The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by town ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

(4) Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

**§ 18-520 CUSTOMER'S RESPONSIBILITY FOR SYSTEM'S PROPERTY.**

(1) Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his or her premises.

(2) 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.

**§ 18-521 CUSTOMER'S RESPONSIBILITY FOR VIOLATIONS.**

Where the town furnishes reclaimed water service to a customer, such customer shall be responsible for all violations of these rules and regulations that 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 or her.

**§ 18-522 SUPPLY AND RESALE OF RECLAIMED WATER.**

All reclaimed water shall be supplied within the town exclusively by the town and no customer shall, directly or indirectly, sell, sublet, assigns, or otherwise dispose of the reclaimed water or any part thereof unless approved by the town and gain all state regulatory approval.

**§ 18-523 UNAUTHORIZED USE OF OR INTERFERENCE WITH WATER SUPPLY.**

No person shall turn on or turn off any of the town's stopcocks, spigots, or valves without permission or authority from the town. When any stopcock or valve for any customer's premises is turned on or off without permission or authority from the town, there shall be a rebuttable presumption that the customer committed such act.

Penalty, see § 18-531

**§ 18-524 DAMAGES TO PROPERTY DUE TO WATER PRESSURE.**

The town shall not be liable to any customer for damages caused to his or her plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains.

**§ 18-525 LIABILITY FOR CUTOFF FAILURES.**

(1) The town's liability shall be limited to the forfeiture of the right to charge a customer for reclaimed water that is not used but is received from a service line under any of the following circumstances:

(a) After receipt of at least ten days' written notice to cut off water service, the town has failed to cut off such service;

(b) The town has attempted to cut off a service but such service has not been completely cut off; and

(c) The town 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 town's main.

(2) Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures.

**§ 18-526 RESTRICTED USE OF RECLAIMED WATER.**

The town 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.

**§ 18-527 INTERRUPTION OF SERVICE.**

(1) The town will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

(2) In connection with the operation, maintenance, repair, and extension of the town's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town 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.

**§ 18-528 SCHEDULE OF RECLAIMED WATER RATES.**

The rates shall be and are hereby established for reclaimed water distributed within the corporate limits of the town, by the town as set in the fees schedule within the annual budget ordinance. For all reclaimed water furnished by the town to consumers outside the corporate limits of the town, the rate charged shall be the same rate charged to consumers who are furnished water within the corporate limits of the town.

**§ 18-529 BACKFLOW PREVENTION.**

The customer will install a reduced pressure backflow assembly on all potable water services at the site, as required by this chapter, before receiving reclaimed water service from the town. The customer is responsible for the maintenance and testing of any backflow protection.

**§ 18-530 PROVISIONS APPLICABLE.**

The requirements contained herein shall apply to all premises served by the town's 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 protection of the reclaimed water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the town's corporate limits.

**§ 18-531 PENALTY.**

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 equal to the damaged meter fee in the fee schedules of the annual budget ordinance. Each day of continued violation shall constitute a separate offense.

