

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION

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18-101. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred (100)

¹Municipal code references

Board of public utilities: title 2, chapter 1.

Building, utility and housing codes: title 12.

Plumbing code: title 12, chapter 2.

Refuse disposal: title 17.

feet of any boundary of said property measured along the shortest available right-of-way;

(2) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

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

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

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

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

(7) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1976 Code, § 8-301)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1976 Code, § 8-302)

18-103. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be

discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1976 Code, § 8-303)

18-104. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1976 Code, § 8-304)

18-105. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1976 Code, § 8-305)

18-106. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1976 Code, § 8-306)

18-107. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1976 Code, § 8-307)

18-108. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1976 Code, § 8-308)

18-109. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse

or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1976 Code, § 8-309)

18-110. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1976 Code, § 8-310)

18-111. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1976 Code, § 8-311)

18-112. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1976 Code, § 8-312)

18-113. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1976 Code, § 8-313)

18-114. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1976 Code, § 8-314)

18-115. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1976 Code, § 8-315)

CHAPTER 2

WATER DEPARTMENT RULES AND REGULATIONS¹

SECTION

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¹Municipal code reference

Erwin Board of Public Utilities: title 2, chapter 1.

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18-201. Definitions. (1) "Billing period" Bills will be rendered monthly and shall be paid within ten (10) days from date of the bill at the office of the distributor. Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date. In the event bills are not paid on or before the discount date, service may be discontinued without notice to the customer and not again resumed until all bills are paid, and the distributor shall not be liable for damages on account of discontinuing service at any time after the discount date, even though payment of such bills may be made on the same day either before or after service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the distributor reserves the right to render an estimated bill based on the best information available.

(2) "Board" means the Erwin Board of Public Utilities and shall include the Town of Erwin, where the context so admits or requires.

(3) "Customer" means any person who receives water service from the distributor under either an express or implied contract requiring such person to pay the distributor for such service.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is expressly required by the rules, regulations, and rate schedules, or by an agreement approved by the distributor. The discount date is the last date upon which water bills can be paid at net rates. Should the final date of payment of a bill at the net rate fall on a Sunday or a holiday, the business day next following the final date will be held as the last day to obtain the net rate. Net remittances received by mail after the time limit for payment of said net rates will be accepted by the distributor if the incoming envelope bears a United States Post Office date stamp of the final date for payment of the net amount, or any date prior thereto.

No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any obligation owed the distributor by such customer.

(5) "Distributor" means the Erwin Board of Public Utilities and its duly authorized officers and agents.

(6) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

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

(8) "Hydrant rental fee" shall mean the term applied to the annual or monthly charges made for fire protection provided by fire hydrants owned and maintained by the distributor for the use of the Town of Erwin, firms, corporations, or individuals.

(9) "Main" designates the water lines of the distributor of all sizes, with service lines excluded, laid in or on the public streets or highways, alleys, or on easements acquired by the distributor for the Town of Erwin for the installation of the distributor's water lines on, under, over, across or through private property.

(10) "Person" includes firms and corporations, as well as individuals.

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

(12) "Rules and regulations," as used herein, shall include addenda, attachments, supplements, and interpretations adopted from time to time by the board.

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

(14) "Tapping fee" shall designate the charge made by the distributor to a customer or prospective customer for the tap of the main and the installation of the service line. The "tapping fee" so collected is a contribution in aid of construction, and the customer acquires no legal title to nor equity in the facilities installed by reason of the payment therefor.

(15) Where the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine. (1976 Code, § 13-201, modified)

18-202. Obtaining service. A formal application for either original or additional water service must be made at the office of the distributor or with a duly appointed employee of the distributor and be duly approved before connection or meter installation orders will be issued and work performed. (1976 Code, § 13-202)

18-203. Application and contract for service. (1) Each prospective customer desiring water service will be required to sign the distributor's standard form of contract before service is supplied.

(2) Customers requiring the installation of special equipment by the distributor may be required to sign a form of contract guaranteeing a minimum charge for such period of time as may be agreed upon between the distributor and the customer.

(3) If, for any reason, customer, after signing a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the distributor for the expense incurred by reason of its endeavor to furnish said service.

(4) The receipt by the distributor of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the distributor to render the service applied for. If the service applied for cannot be supplied in accordance with the distributor's rules, regulations, and general practice, the liability of the board to the applicant for such service shall be limited to the return of any deposit made with the distributor by such applicant.

(5) When an application is made for service to premises concerning which the distributor knows there is a dispute as to the ownership or the right of occupancy, and one or more of the claimants attempts to prevent such service being furnished, the distributor reserves the right to either one (1) of the following two (2) alternative courses:

(a) To treat the applicant in actual possession of the premises to be served as being entitled to such service, irrespective of the rights or claims of other persons.

(b) To withhold service, pending a judicial or other settlement of the rights of the various claimants. (1976 Code, § 13-203)

18-204. Deposits. The customer, when called upon by the distributor, shall deposit with it such reasonable sums of money as may be required by the distributor as continuing security for the performance of the obligations contracted for by the customer and failure to make such deposit upon demand of the distributor will give the distributor the right to declare the contract forfeited and to refuse or to discontinue service.

Upon termination of the service, the deposit may be applied by the distributor against any obligations of the customer to the distributor, regardless of whether such obligations arose in connection with water service or otherwise. Any part of the deposit which is not so applied will be refunded to the customer, upon demand.

No deposit shall be transferable or assignable by a customer. No interest will be paid on deposits held by the distributor. (1976 Code, § 13-204)

18-205. Service charges for temporary service. Customers requiring temporary service may be required to pay all costs as determined by the distributor for connections and disconnections incidental to the supplying and removing of service in addition to the regular charge for water used. This rule

applies to circuses, carnivals, fairs, temporary construction, and other temporary requirements. (1976 Code, § 13-205)

18-206. Tapping main and making service connections. (1) Service lines will be laid by the distributor from the water main to the property line at the expense of the applicant for service in keeping with the schedule in subsection (2) below. The location of such lines will be determined by the distributor.

The owner or consumer will install all pipes and fixtures on his side of the property line and keep same in good repair at his expense.

In the case of new installations, if within the corporate limits of Erwin, all such piping and fixtures shall be installed in accordance with the applicable requirements and specifications of the plumbing code.

(2) Tapping fees for service connections, both inside and outside the corporate limits of the town:

A new service line sized to carry the projected peak demand for water without excessive pressure loss will be laid by the distributor only upon receipt of the tapping fee based on the service line size as follows:

Service Line Size (inches)	Inside Corporate Limits	Outside Corporate Limits
¾	\$300.00	\$450.00
1	450.00	675.00
1 ½	1,000.00	1,500.00
2	1,200.00	1,800.00
3	4,000.00	6,000.00
4	6,600.00	9,900.00
6	8,600.00	12,900.00

When any service line indicated above is completed, the distributor shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the distributor. The remaining portion of the service line beyond the meter and meter box (even though such remaining portion is not located within the customer's property line) shall belong to and be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the distributor shall not be responsible for the maintenance and up-keep of any service line located within the property line of the customer, even though the distributor's meter and meter box are located within said property line. (Ord. #525, May 1990)

18-207. Meters. All meters used for billing purposes by the distributor shall be furnished, owned, and maintained by the distributor as shall the meter installations and meter boxes in which the distributor's meters are located.

No one shall do anything which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on a water meter without the written permission of the distributor. No one shall install any pipe or other device which will cause water to pass through a line or meter without such water being registered fully by the meter.

Each customer will be supplied through a separate meter. In most cases where a building under one ownership has a number of apartments, businesses, or offices under one roof and the owner of such building desires that the distributor deal directly with the individual tenants, the distributor will install for each tenant a separate meter, provided the owner of the building lays to the property line at the location selected by the distributor a service line for each individual tenant. It is the purpose of the above provisions of the rules and regulations that each regular tenant in such building shall be a customer and shall be subject to all the applicable rules and regulations and schedule of rates and charges.

Meters and meter installations must be accessible at all times and not covered with rubbish and/or material of any kind. No one other than an authorized agent of the distributor shall be permitted to repair, adjust, remove, or replace any meter or any part thereof.

The customer shall be responsible for damage to the meter and meter installation through which he is served if such damage is caused by carelessness or negligence of the customer or his agent or employee, or any member of his family. Such customer shall be billed for actual costs of repairs or replacements, and such bills shall be paid within ten (10) days from the date of mailing thereof. Failure to pay for damage to a meter or meter installation as outlined above within a reasonable time may be taken as grounds for discontinuing water service by the distributor.

The distributor may discontinue furnishing water to any customer who refuses permission for the distributor to remove a meter from his premises. (1976 Code, § 13-207)

18-208. Meter tests. The distributor will, at its own expense, make periodical tests and inspections of its meters in order to maintain high standards of accuracy. Meters shall be deemed to be accurate when registering within four (4) percent of one hundred (100) percent accuracy.

When a customer requests an additional meter test, within a period of twenty-four (24) months after previous tests by the distributor which showed the meter to be accurate, the customer shall pay for such tests if the tests show that the meter does not register more than two (2) percent fast or two (2) percent slow. In case the test shows the meter to register in excess of two (2) percent, fast or slow, appropriate adjustments will be made by the distributor.

The charges to customers for meter tests under this section shall be those given below:

METER TEST CHARGES

5/8 inch meter	\$2.00
3/4 inch meter	2.00
1 inch meter	3.00
2 inch meter	5.00
Larger than 2 inch	12.00

These charges do not apply to inspections of meters and meter installations, the checking and verification of meter readings, etc., made at the customer's request and carried out while the meters are being maintained in actual service. (1976 Code, § 13-208)

18-209. Charges for water service. Charges for water service shall be established by the board of public utilities (board) based on the following criteria:

- (1) Charges for water service shall be billed on a monthly basis.
- (2) Customers outside the corporate limits of the Town of Erwin, except utility districts, shall pay 1 ½ times the cost for water service inside the corporate limits.
- (3) Utility districts shall pay 1⅓ times the cost for water service inside the corporate limits.
- (4) Charges shall be divided into two (2) parts: A fee to cover the operation and maintenance (including replacement) costs and a fee to cover capital expenditures and debt services.
 - (a) The fee for operation and maintenance (including replacement) shall be subdivided into two (2) parts: A fixed charge and a variable charge.
 - (i) The fixed charge shall be calculated based on the annual customer billing costs and the number of water customer units, to be assessed on a monthly basis per customer unit. There shall be one customer unit for each residential, commercial, industrial, or institutional unit receiving water service either through a single or multiple service meter.
 - (ii) The variable charge shall be calculated based on the total volume of water used annually by all water customers and the total annual operating and maintenance (including replacement) costs, less the annual customer billing costs incurred

by the board, to be assessed on the basis of water used per one thousand (1,000) gallons.

(b) The monthly fee to cover capital expenditures and debt service shall be a variable charge calculated based on the total volume of water used annually by all water customers and the total annual capital expenditures plus the annual debt service requirement incurred by the board, to be assessed on the basis of water used per one thousand (1,000) gallons.

(5) The fixed monthly charge shall be referred to as the "customer charge," and the sum of the variable monthly charges shall be referred to as the "user charge."

(6) For fiscal year ending June 30, 1989, the monthly charges are:

	<u>Inside Corporate Limit</u>	<u>Outside Corporate Limit</u>
Customer* Charge	\$2.78 per month	\$4.17 per month
User Charge	\$0.54 per 1,000 gallons	\$0.81 per 1,000 gallons

*All customers shall pay one customer charge per month per water meter, except where a single meter serves more than one residential, commercial, industrial, or institutional customer unit, in which case, the customer shall pay one (1) customer charge per month for each customer unit.

(7) The customer's monthly bill shall be calculated as follows:

$$\text{Monthly Bill} = \text{Customer Charge} \times \text{Number of Customer Units} + \text{User Charge} \times \text{Water Used in 1,000 Gallons}$$

(8) The board shall review every year the total water usage, the total cost of operation and maintenance (including replacement), and the total capital expenditures and debt service requirements of the water system. Based on this review, the board shall revise the charges for water service to accomplish the following:

(a) Maintain a proportionate distribution of operation and maintenance costs among customers of the same class;

(b) Generate sufficient revenue to pay all capital expenditures, debt service requirements, to pay the total operation and maintenance costs (including minor replacements) of the water system, and to maintain a reasonable reserve fund, not to exceed \$500,000;

(c) Apply excess revenues collected to adjust future rates accordingly.

(9) The board will publish at least annually in the local newspaper the rates attributable to the operation and maintenance and those attributable to other costs.

(10) Due date for payment of bills will be not less than fifteen (15) days after the day the bill is mailed to the customer.

(11) Payments made after the due date will be subject to a late payment charge. The late payment charge will be computed as a charge of five (5) percent on the first two hundred fifty dollars (\$250.00) of the unpaid portion of the water bill, plus one (1) percent of the unpaid portion exceeding two hundred fifty dollars (\$250.00), excluding other charges and sales tax.

(12) Should the due date of the bill fall on Saturday, Sunday, or a holiday for Erwin Utilities' employees, the business day next following the due date will be held as a day of grace for delivery of payment.

(13) Remittances received by mail will not be subject to a late charge provided the postmark on the envelope is no later than the due date.

(14) Size and location of connection will be at the discretion of the distributor.

(15) Standard water service shall be served through a 5/8" x 3/4" meter with a minimum bill equal to the customer charge.

(16) Customers requiring service through larger than a 5/8" x 3/4" meter shall make application in writing therefor, and shall pay not less than the following minimum monthly bills:

		<u>Inside</u>	<u>Outside</u>
3/4"	Meter	\$3.25	\$4.88
1"	Meter	5.00	7.50
1 1/2"	Meter	10.00	15.00
2"	Meter	12.00	18.00
3"	Meter	25.00	37.50
4"	Meter	50.00	75.00
6"	Meter	100.00	150.00

The above minimum charges shall be reviewed by the board from time to time and shall be adjusted, either up or down, if deemed necessary by the board.

(17) Facility charge for Town of Erwin fire hydrants shall be four dollars and fifty eight cents (\$4.58) per hydrant per month.

(18) All water service shall be subject to the rules and regulations of the board. (Ord. #514, Aug. 1988)

18-210. Bills for water service. Bills for water service must be paid on or before the discount date shown thereon to obtain the net rate, otherwise, the gross rate shall apply. Failure to receive a bill will not relieve a customer from payment obligations, nor extend the discount date.

In the event bills are not paid by the discount date, service may be discontinued without notice to the customer and not again resumed until all bills are paid, and the distributor shall not be liable for any damages on account of discontinuance of service any time after the discount date, even though payment of such bills is made on the same day either before or after the service is actually discontinued.

Should the date for final payment of a bill at the net rate fall on a Sunday or a holiday, the business day next following the final date will be held as the last day to obtain the net rate. Net remittances received by mail after the time limit of said net rate will be accepted by the distributor if the incoming envelope bears the United States Post Office date stamp of the final date of payment of the net amount or any date prior thereto.

No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any obligations owed the distributor by such customer.

If a meter fails to register properly, or if the meter is removed to be tested and repaired, or if water is received other than through a meter, the distributor reserves the right to render and collect an estimated bill based on the best information available. (1976 Code, § 13-210)

18-211. Adjustment of billing. The distributor may at its option make adjustments in water bills where excessive billing is directly traceable to hidden leaks, with the adjustment being made on the basis of the distributor absorbing, or writing off, no more than one-half ($\frac{1}{2}$) of the overage directly traceable to such hidden leaks with the customer paying the normal billing plus at least one-half ($\frac{1}{2}$) of the overage traceable to such hidden leaks. Hidden leaks are herein defined as those leaks which the customer could not have reasonably been expected to find until a bill for excessive consumption indicated the presence of such leaks. Leaks in interior plumbing, leaking or dripping faucets, leaking or dripping yard hydrants, leaks in commodes, or other loss through failure of customer to provide cut-off, water lost due to frozen pipes and water used to keep pipes from freezing are specifically sited as examples of leaks which will not be termed as "hidden leaks" for the purpose of this section. No adjustment in billing shall be made where premises are vacated without a notice to discontinue service having been given to the distributor. (1976 Code, § 13-211)

18-212. Water turned on by customer. If the distributor discontinues water service for non-payment of a bill, or for any other reason, and the water is turned on without authority of the distributor, the distributor shall have the right to discontinue service, remove the meter and charge a fee of five dollars (\$5.00) for reinstalling or reconnecting the meter. The distributor will not be required to again furnish service until all charges against the customer or owner, as the case may be, have been fully paid. (1976 Code, § 13-212)

18-213. Discontinuance of service, refusal to connect service. The distributor shall have the right to discontinue service or to refuse to connect service for a violation or a failure to comply with any provisions of these rules and regulations and the applicable schedule of rates and charges. Such right to discontinue service shall apply to all service received through a single service, even though more than one customer or tenant is furnished therefrom, and even though a delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the distributor for any cause stated in these rules and regulations shall not release the customer from liability for payment for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

The distributor shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company, or firm to which such service is to be furnished is in default on the payment of any obligations to the distributor or has previously had his service discontinued because of a violation of the rules and regulations of the distributor.

If the distributor shall, for any reason, begin to render service to an applicant to whom the distributor has a good and valid reason for refusing to render such service, the distributor shall have the right to discontinue such service at any time within one (1) year after such service has begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered. (1976 Code, § 13-213)

18-214. Termination of service by customer. Under no circumstances will the continuance or discontinuance of water be used as a means of forcing an occupant of any premises to surrender possession thereof.

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

Written notice of the customer's desire for such service to be discontinued may be required; and the distributor shall have the right to continue such service for a period not to exceed ten (10) days after receipt of such written notice, during which time the customer will be responsible to the distributor for all charges for such service. If the distributor should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible to the distributor for charges for any service further furnished after the expiration of such ten (10) day period. (1976 Code, § 13-214)

18-215. Temporary discontinuance of service for exclusive benefit of customer. The customer shall pay all costs for discontinuance of service, for temporary repairs, and for other purposes for the customer's exclusive benefit,

with the minimum charge for such discontinuance being two dollars (\$2.00) per call. (1976 Code, § 13-215)

18-216. Reconnection charge. Whenever service has been discontinued as provided for above, or for non-payment of bills, a reconnection charge of not less than two dollars (\$2.00) may be collected by the distributor before service is restored. (1976 Code, § 13-216)

18-217. Liability for cut-off failure. (1) The distributor's liability shall be limited to the forfeiture of the right to charge the customer for water that is not used but is received from a service connection under any of the following circumstances:

(a) After receipt of at least ten (10) days written notice to discontinue the water service, the distributor has failed to discontinue such service.

(b) The distributor has attempted to discontinue service but such service has not been completely cut off.

(c) The distributor has completely cut off service, but subsequently the cut-off develops a leak or is turned on again by representatives of the distributor so that water enters the customer's pipes from the distributor's mains.

(2) Except to the extent stated above, the distributor shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damage for cut-off failures, the customer shall rely exclusively on privately-owned cut-offs and not on the distributor's cut-offs. Also the customer (and not the distributor) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1976 Code, § 13-217)

18-218. Right of access. The distributor's properly identified employees and agents shall have access to customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing, and changing any or all equipment belonging to the distributor. (1976 Code, § 13-218)

18-219. Customer's responsibility for distributor's property. All meters, service connections, and other equipment furnished and maintained by the distributor shall be, and remain, the property of the distributor. Customers shall exercise proper care to protect the property of the distributor on its premises and in the event of loss or damage to distributor's property, arising from the failure of the customer to take proper care of the same, the cost of necessary repairs or replacements shall be paid by the customer. (1976 Code, § 13-219)

18-220. Customer's piping and fixtures--standards. All water piping beyond the meter shall be installed and maintained at the expense of the customer. In the case of new installations, if within the corporate limits of Erwin, all such piping fixtures shall be installed in accordance with the applicable requirements and specifications of the plumbing code.

By furnishing service to a customer, the distributor assumes no responsibility for seeing that the customer's piping and/or plumbing fixtures comply with the requirements set forth herein. (1976 Code, § 13-220)

18-221. Inspectors. The distributor shall have the right, but shall not be obligated, to inspect any installation before water is introduced at a later time. The distributor reserves the right to refuse service or discontinue service to any piping or plumbing installations not in accordance with the ordinances of the Town of Erwin, or which are not in accordance with special contracts, or these rules and regulations, or other requirements of the distributor; but any failure to exercise this right shall not render the distributor liable or responsible for any loss or damage resulting from defects in installations or piping or plumbing fixtures or from violation of the plumbing code, town ordinances, or the provisions of any special contract or from accidents which may occur on the customer's premises.

The distributor shall not be obligated to connect and render water service to new buildings or to buildings or premises not now approved for water service until such time as a certificate of approval has been rendered by the town inspector charged with the duty of issuing such a certificate if the premises are located within the corporate limits. (1976 Code, § 13-221)

18-222. Notice of trouble. Customers shall notify the distributor immediately should the water service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of water. Such notices, if verbal, should be confirmed by writing. (1976 Code, § 13-222)

18-223. Customers not to supply water to others. Customers shall not supply water, or allow water to be carried or run through a hose or pipe, or otherwise, to any premises other than that described in the application, agreement, or contract, without first having received written permission from the distributor. (1976 Code, § 13-223)

18-224. Restricted use of water. In times of emergency, or in times of water shortage, the distributor reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which the customer may use during such periods. (1976 Code, § 13-224)

18-225. Multiple services through one meter. Residences, commercial, or industrial establishments, where more than one (1) household, commercial,

or industrial establishment uses water through a single meter, will be charged in accordance with the schedule set forth in § 18-209 of this code. (1976 Code, § 13-225, modified)

18-226. Standby and resale service. All purchased water used on the premises of the customer shall be supplied by the distributor and the customer shall not directly or indirectly sell, sublet, assign, or otherwise dispose of the water so purchased. Customers shall not supply water, nor allow water to be carried or run through a hose or pipe to any premises other than that described in the application, agreement, or contract, without first having received written permission from the distributor. (1976 Code, § 13-226)

18-227. Service charges for temporary service. Customers requiring temporary service may be required to pay all costs as determined by the distributor for connection and disconnection of facilities incidental to the supplying of service in addition to the regular charge for water used. This rule applies to circuses, carnivals, fairs, trailers, temporary construction and other applications requiring temporary service. (1976 Code, § 13-227)

18-228. Water for construction purposes. The distributor may issue permits for the use of water for building or construction purposes or for other temporary purposes, provided the applicant pays for tapping the main and installing the necessary facilities and complies with all other requirements of the distributor.

The distributor may, in exceptional cases, issue permits for the use of unmetered water for building, construction, or other temporary purposes provided all other requirements of the distributor are met with the exception of the condition that water purchases must be metered. In such exceptional cases of unmetered water service the water so used must be discharged from a hose or pipe directly into the mortar beds or barrels and under no circumstances shall it be discharged upon the ground or into or through a ditch, or trench, or into the gutter. In case of such temporary connections, the hose connection through which the water is taken must be properly protected and in no case must the distributor's curb cock be used for controlling the flow of water. (1976 Code, § 13-228)

18-229. Charges for sprinkler systems. Facilities installed for providing water for sprinkler systems shall be owned and maintained by the customer and charges for water service for such installations shall be in keeping with the charges outlined in the schedule of rates and charges. (1976 Code, § 13-229)

18-230. Private fire lines and fire hydrants. Private fire lines and fire hydrants will be installed at the expense of the customer and the construction will be made in accordance with the specifications of the distributor. Such

facilities shall be owned and maintained by the customer and the charges for such service shall be those charges outlined in the schedule of rates and charges. (1976 Code, § 13-230)

18-231. Water taken from fire hydrants for purposes other than fire fighting. When water is taken from fire hydrants for any other purpose than fire fighting, such as sprinkling of streets, construction purposes, or other temporary uses, the hydrant from which the water is so taken must have a reducing appliance attached to the nozzle of the fire hydrant with an independent valve capable of regulating the supply. The main valve of the fire hydrant must be opened fully at the beginning of each work day and remain open until the close of work at night. The supply is to be regulated by independent valves. The fire hydrant shall be operated only by a wrench of a type which must be approved by the distributor. When taking water from a fire hydrant for any purposes other than fire fighting, permission must be obtained from the distributor. No wastage will be tolerated. (1976 Code, § 13-231)

18-232. Limited use of unmetered private fire lines. Where private fire lines are not metered, no water will be used from such line or from any fire hydrant thereon, except to fight fire or while being inspected in the presence of an authorized agent of the distributor.

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

No customer taking water from an unmetered service shall use any device requiring or allowing a continuous flow of water unless such use has been approved in writing by the distributor. (1976 Code, § 13-232)

18-233. Cross connections. No cross connections of any kind shall be permitted between the water supply from the distributor's mains and the water supply from any other source.

A cross connection is defined as any physical connection whereby the distributor's water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the distributor's water supply is possible, either through a manipulation of valves or because of any defective check or back pressure valves, or by any other arrangement. (1976 Code, § 13-233)

18-234. Interruption of service. The distributor will use reasonable diligence in attempting to provide a regular and uninterrupted supply of water,

but in case the supply of water should be interrupted for any cause, the distributor shall not be liable or charged for damages resulting therefrom. (1976 Code, § 13-234)

18-235. Damage to property due to water pressure. The distributor shall not be liable for any damage to a customer's plumbing or property, which damage may be caused by high pressure or by low pressure, or by fluctuations in pressure in the distributor's water mains.

The distributor's facilities are not designed for furnishing normal water service above elevation 1830 feet from the O'Brien storage tanks and 2000 feet from the East Erwin storage tank. Customers living in sections of Erwin and surrounding areas higher than these elevations above sea level, must provide or maintain, at their expense, booster pumps designed to provide adequate water service for normal needs and depending on the storage tank at the discretion of the distributor from which the customer or applicant would need to be served. (1976 Code, § 13-235)

18-236. Fire hydrant installations for town. The number and location of the fire hydrants for fire fighting purposes for the Town of Erwin shall be determined by the board of mayor and aldermen and its duly authorized officers and agents, and shall not be a responsibility or prerogative of the board, its officers, and agents. (1976 Code, § 13-236)

18-237. Scope. This schedule of rules and regulations is a part of all contracts for receiving water service from the distributor and applies to all service rendered by the distributor whether the service is based upon contract, agreement, signed application, or otherwise. (1976 Code, § 13-237)

18-238. Filing and posting. A copy of these rules and regulations shall be kept open to inspection at the offices of the distributor. (1976 Code, § 13-238)

18-239. Extension of mains. The distributor will extend a main within the corporate limits along an accepted street to the property of an applicant at the expense of the distributor, except where the applicant's property is located in excess of fifty (50) feet from an adequate existing main as measured along the accepted street. The distributor will extend such main the remaining distance along an accepted street which is in excess of fifty (50) feet at the expense of the applicant; however, such extension made at the expense of the applicant may be applicable to terms set forth in the following paragraph.

The distributor will extend a main along an accepted street within a subdivision within the corporate limits and along an accepted street or highway outside the corporate limits a distance of fifty (50) feet for the benefit of each consumer who has property abutting on the street along which the main is being extended, and whose property, after the extension, will be contiguous to said

main. Such extension, up to a length of fifty (50) feet for each consumer to be served immediately upon completion of the extension, shall be made at the distributor's expense. Extensions beyond fifty (50) feet per consumer (subject to the above conditions) will be made on applications of one or more consumers and after the applicant has made a deposit equal to the estimated cost of the extension beyond the fifty (50) feet as herein provided. All extensions beyond fifty (50) feet per consumer shall be at the expense of the applicant.

The size of the main to be installed shall be exclusively within the discretion of the distributor.

Upon completion of installation of the extension, the entire cost of such installation shall be determined by the distributor and due credit given thereon for the fifty (50) feet of main per consumer and any excess in the balance of cost over the amount of deposit shall be paid immediately to the distributor by the applicant. If the amount deposited is in excess of such balance of the cost, such excess shall be refunded to the applicant.

Annually, as of July 1st of each year, for the first three (3) years after the completion of such extensions, the distributor shall ascertain the number of additional consumers who have been connected to such main during the previous twelve (12) month period and shall within ninety (90) days thereafter make reimbursement to the original applicant of an amount equal to the cost of fifty (50) feet of such extension for such additional consumer. If more than one party joined in the application for, and contributed to the cost of construction of such extension, the refund shall be made on a basis proportioned to the respective payments of such contributions on the cost of construction.

In no event shall the total amount of reimbursement exceed the amount paid as a contribution on the construction cost.

No reimbursement shall be made for additional consumers connected to such main after such three (3) year period.

Temporary connections to said extension will not be considered as consumers in connection with this section.

The distributor may connect a main to, or extend a main from, any other main which has previously been installed in accordance with the above terms without obligation to the applicant of said previously installed main. Connections for such extensions will not be considered as being a consumer connection as applicable under the terms of this section.

Title to any part and all of said water main extensions, as and when constructed, shall be vested in the distributor and shall become a part of the system of the distributor, subject to its control. (1976 Code, § 13-239)

18-240. Fluoridation of water supply. 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 Department of Environment and Conservation of the State of Tennessee 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.

The cost of such fluoridation will be born by the revenues of the water department. (1976 Code, § 13-240, modified)

CHAPTER 3

SEWER REGULATIONS¹

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Violations.
- 18-309. Sewer tapping fees and service line regulations.
- 18-310. Sewer use fees and surcharges.
- 18-311. Water department rules and regulations.

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

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20⁰ C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

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

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

¹Municipal code references

Erwin Board of Public Utilities: title 2, chapter 1.

Plumbing code: title 12, chapter 2.

Pretreatment regulations: title 18, chapter 4.

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

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

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

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the town, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1976 Code, § 13-301)

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

(2) It shall be unlawful to discharge to any natural outlet within the town, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner 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 or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. (1976 Code, § 13-302)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1976 Code, § 13-303)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

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

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the utility board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

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

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

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification there of, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

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

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1976 Code, § 13-304)

18-305. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of

the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)⁰ F (65⁰ C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)⁰ F (0 and 65⁰ C).

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

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Environment and Conservation, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" and defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Environment and Conservation, may have a deleterious effect upon the sewage works, processes, equipment, or receiving

waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and the Tennessee Department of Environment and Conservation, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular

analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern. (1976 Code, § 13-305, modified)

18-306. Protection from damage. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provisions shall be subject to immediate arrest under charge of disorderly conduct. (1976 Code, § 13-306)

18-307. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the utility board bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section the superintendent or duly authorized employees of the utility board shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the board's employees and the utility board shall indemnify the company against loss or damage to its property by board's employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by § 18-205(8).

(3) The superintendent and other duly authorized employees of the utility board bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly

negotiated easement pertaining to the private property involved. (1976 Code, § 13-307)

18-308. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (1976 Code, § 13-308)

18-309. Sewer tapping fees and service line regulations. (1) Sewer service lines will be laid by Erwin Utilities from the sewer main to the property line at the expense of the applicant for service in keeping with the schedule in subsection (3) below. The location of such lines will be determined by Erwin Utilities.

(2) The owner or customer will install all pipes and fixtures on his side of the property line and keep same in good repair at his expense. All such piping and fixtures shall be installed in accordance with the applicable requirements and specifications of the Erwin Utilities. Unless otherwise approved by the Erwin Utilities, all pipe and fittings shall be not less than four (4) inch PVC conforming to ASTM specification D-3034 and have a standard dimension ratio (SDR) of 35. Said pipe must not be covered by the property owner or installer until inspected and approved by an authorized representative of the Erwin Utilities.

(3) Tapping fees for sewer service connections, both inside and outside the corporate limits of the town:

	<u>Inside</u>	<u>Outside</u>
Case I Main line extension not required	\$ 500.00	\$1,000.00
Case II Main line extension required	\$1,000.00	\$2,000.00

(4) In Case II where a main line extension is required, the tapping fee shall include the cost of the service line and main line extension, provided however, when the estimated cost of said service line and main line extension

exceeds the tapping fee by more than twenty-five (25) percent, the tapping fee will be the actual cost of construction plus applicable overhead.

(5) For the first five (5) years after customer pays for a main line extension in excess of the standard tapping fee, any additional customer connecting to said main line extension shall pay, in addition to the tapping fee, their fair share of the main line extension cost, to be determined by Erwin Utilities, which will be used to reimburse the original customer for that part of said line extension chargeable to said additional customer. (Ord. #526, May 1990)

18-310. Sewer use fees and surcharges. (1) Fees for sewer service shall be made and billed in compliance with the "User Charge System for the Wastewater Facilities of the Board of Public Utilities of the Town of Erwin, Tennessee" dated March, 1986, which was prepared in accordance with regulations promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR 35.2140, revised as of July 1, 1984. Said user charge system was approved by the Tennessee Department of Health and Environment, Division of Construction Grants and Loans on May 7, 1986. The user fees shall be divided into two (2) main parts: a fee to cover the operation and maintenance costs and a fee to cover capital expenditures and debt service.

(2) The fee for operation and maintenance (including replacement) shall be divided into two (2) parts: a fixed charge and a variable charge.

(a) The fixed charge shall be calculated based on the annual customer billing costs and the number of sewer customers, to be assessed on a monthly basis per water meter or customer unit in accordance with subsection (7) hereof.

(b) The variable charge shall be calculated based on the total volume of water used annually by all sewer customers, less any adjustments in accordance with subsection (8) hereof, and the total annual operating and maintenance (including replacement) costs, less the annual customer billing costs incurred by the board of public utilities (board), to be assessed on the basis of water used per one thousand (1,000) gallons.

(3) The monthly fee to cover capital expenditures and debt service shall be divided between customers inside the corporate limits and customers outside the corporate limits. Each of these fees shall be further divided into a fixed charge and a variable charge.

(4) The sum of the fixed monthly charges shall be referred to as the "customer charge," and the sum of the variable monthly charges shall be known as the "user charge."

(5) The total charge for sewer service to customers outside the corporate limits shall be fifty (50) percent higher than the total charge for customers inside the corporate limits.

(6) For fiscal year ending June 30, 1988, the monthly charges are:

	<u>Inside Corporate Limit</u>	<u>Outside Corporate Limit</u>
Customer Charge:	\$2.00 per month/meter	\$3.00 per month/meter
User Charge:	\$1.40 per 1,000 gallons	\$2.10 per 1,000 gallons

(7) All customers shall pay one customer charge per month per water meter, except where a single meter serves more than one residential, commercial, industrial, or institutional unit, in which case, the customer shall pay one (1) customer charge per month per said unit.

(8) The user charge shall apply to the total amount of water used each month as shown by water meter readings excepting, however, industrial customers who do not discharge all industrial wastewater into the public sewer system, and as to such industrial customers, the user charge shall be applied only to such amount of wastewater discharged into the public sewer system provided that said industrial customer installs and maintains, at his own expense, the necessary metering equipment to properly account for all wastewater discharged into the public sewer.

(9) Any user who discharges any toxic pollutants or other constituents which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall be required to pay for such increased costs.

(10) The board shall review every year the wastewater contribution of users, the total costs of operation and maintenance of the treatment works, and the total capital expenditures and debt service requirements in accordance with the approved user charge system. Based on this review, the board shall revise the fees for sewer service to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users;

(b) Generate sufficient revenue to pay all capital expenditures, debt service requirements, and to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including minor replacement) of the treatment works; and

(c) Apply excess revenues collected to adjust future rates accordingly.

(11) The board will notify each user at least annually in conjunction with a regular bill or other mailing of the rate attributable to the operation and maintenance and those attributable to other costs.

(12) The user charge system shall take precedence over any terms or conditions of agreements or contracts between the board and existing users which are inconsistent with the requirements of section 204(b)(1)(A) of the Act and 40 CFR, part 35, revised as of July 1, 1984.

(13) A surcharge for extra strength sewage from industries shall be added to the monthly bill. The surcharge for BOD and suspended solids in excess of 200 mg/l for fiscal year ending June 30, 1988 shall be:

- (a) 9.9¢ per lb. of BOD.
- (b) 10.9¢ per lb. of suspended solids.

(14) Appropriate and reasonable sampling and analytical testing costs that the board incurs in evaluating compliance by industries of the requirements of this section can be charged to that industry for payment.

(15) The board may adopt additional charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the board's pretreatment program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for consistent removal (by the board) of pollutants otherwise subject to federal pretreatment standards;
- (f) Other fees as the board may deem necessary to carry out the requirements contained herein.

(16) Bills will be rendered monthly and shall be paid at the office of the Erwin Utilities. Failure to receive a bill will not release customer from payment obligation. Bills paid after the due date shown on the bill will be subject to a five (5) percent late charge.

(17) The above rates shall be applied to all customers alike and are subject to the rules and regulations of Erwin Utilities. (Ord. #508, April 1988)

18-311. Water department rules and regulations. The water department rules and regulations set forth in the preceding chapter of this title shall also apply to the sewage disposal system in all instances where the context shall admit or may be reasonably required. (1976 Code, § 13-311)

CHAPTER 4

PRETREATMENT REGULATIONS¹

SECTION

- 18-401. General provisions.
- 18-402. Regulations.
- 18-403. Fees.
- 18-404. Administration.
- 18-405. Enforcement.
- 18-406. Penalty--costs.

18-401. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Erwin, Tennessee, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and General Pretreatment Regulations (40 CFR, part 403).

(2) The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assures that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the Town of Erwin, Tennessee, and to persons outside the town who are, by contract or agreement with Erwin Utilities, users of the Erwin POTW. This chapter is a supplement to title 18 of the Erwin

¹Municipal code reference

Sewer regulations: title 18, chapter 3.

Municipal Code, as amended. Except as otherwise provided herein, the manager of the Erwin Utilities shall administer, implement, and enforce the provisions of this chapter.

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

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

(b) "Approval authority." The Director of the Division of Water Management of the Department of Health and Environment of the State of Tennessee.

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

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

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

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

(d) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20⁰ centigrade expressed in terms of weight (lbs.) and concentration (milligrams per liter [mg/l]).

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

(f) "Categorical standards." See National Categorical Pretreatment Standards or pretreatment standard.

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

(h) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the manager of Erwin Utilities if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

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

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

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

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

(m) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(n) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act (33 U.S.C. 1342).

(o) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(p) "Manager." The manager of the Erwin Utilities designated by the Erwin Utilities Board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this municipal code, or his duly authorized representative.

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

(r) "National prohibitive discharge standard" or "prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

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

source, the construction of which is commenced after the date of promulgation of the standard.

(t) "National pollutant discharge elimination system" or "NPDES permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

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

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

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

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

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

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

(aa) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town limits of the Town of Erwin, Tennessee, who are, by contract or agreement with the Erwin Utilities, users of the town's POTW.

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

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

(dd) "Significant industrial user." Any industrial user of the town's wastewater disposal system who

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

(ii) Has a flow greater than five (5) percent of the flow in the town's wastewater treatment system, or

(iii) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act or the State of Tennessee statutes and rules, or

(iv) Is found by the Erwin Utilities, the Tennessee Division of Water Management or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(ee) "State." State of Tennessee.

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

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

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

(ii) "Town." The Town of Erwin, Tennessee, or the Board of Mayor and Aldermen for the Town of Erwin, Tennessee.

(jj) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(kk) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

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

(mm) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(nn) "Wastewater contribution permit." As set forth in § 18-404(2) of this chapter.

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

- (a) BOD. Biochemical Oxygen Demand.
- (b) CFR. Code of Federal Regulations.
- (c) COD. Chemical Oxygen Demand.
- (d) EPA. Environmental Protection Agency.
- (e) l. Liter.
- (f) mg. Milligrams.
- (g) mg/l. Milligrams per liter.
- (h) NPDES. National Pollutant Discharge Elimination System.
- (i) POTW. Publicly Owned Treatment Works.
- (j) SIC. Standard Industrial Classification.
- (k) SWDA. Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (l) USC. United States Code.
- (m) TSS. Total Suspended Solids. (Ord. #473, April 1985)

18-402. Regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Erwin Utilities, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half ($\frac{1}{2}$) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or

marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

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

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

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

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

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

(j) Any pollutants, including oxygen demanding pollutants (BOD etc.) released at a flow rate and/or pollutant concentration which a user knows or has a reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average

twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the manager in compliance with applicable state or federal regulations.

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

(2) When the manager determines that a user is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the manager shall:

(a) Advise the user of the impact of the contribution on the POTW; and

(b) Develop effluent limitations for such user to correct the interference with the POTW.

(3) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(4) Modification of federal categorical pretreatment standards. Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety five (95) percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of (title 40 of the Code of Federal Regulations, Part 403)--"General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Erwin Utilities may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(5) Local pretreatment limitations. Local pretreatment limitations for the following pollutants are hereby established whereas no person or entity shall discharge wastewater into the town's POTW containing pollutants in excess of the following parameters:

Pollutants	Sample Type	Daily Max., mg/l	Average Discharge Limits, mg/l
Cadmium	Composite	0.024	0.012
Total Chromium	Composite	0.564	0.423
Copper	Composite	0.768	0.384
Lead	Composite	0.593	0.445
Nickel	Composite	0.490	0.245
Silver	Composite	0.076	0.038
Zinc	Composite	0.493	0.369
Cyanide	Grab	0.170	0.114
Phenol	Grab	0.457	0.228
pH (Standard Units)	Grab	Min. 5; Max. 9	---
Oil & Grease	Grab		100
Toluene	Grab	0.193	0.145
Benzene	Grab	0.114	0.057
1,1,1 Trichloroethane	Grab	0.193	0.096
Ethylbenzene	Grab	0.304	0.152
Carbon Tetrachloride	Grab	0.150	0.032
Chloroform	Grab	0.017	0.0084
Tetrachloroethylene	Grab	0.380	0.190
Trichloroethylene	Grab	0.030	0.015
1,2 Trans-Dichloroethylene	Grab	0.380	0.190
Methylene Chloride	Grab	0.170	0.011
Naphthalene	Grab	0.076	0.038
Total Phthalates	Grab	0.935	0.468
Mercury	Composite	0.0048	0.0024
Temperature	Grab	Max. 40 ^o C (104 ^o F)	

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

(7) Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-401(1) of this chapter.

(8) Excessive discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state. However, dilution may be an acceptable means of complying with some of the prohibitions set forth in § 18-402(1), e.g., the pH prohibition.

(9) Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Erwin Utilities for review, and shall be approved by the Erwin Utilities before construction of the facility. All existing users shall complete such a plan by January 1, 1986. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Erwin Utilities. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Erwin Utilities of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

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

(11) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. #473, April 1985, as amended by Ord. #575, April 1999)

18-403. Fees. (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs from user's of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Erwin Utilities' Schedule of charges and fees.

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

- (a) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the Erwin Utilities) of pollutants otherwise subject to federal pretreatment standards;
- (g) Other fees as the Erwin Utilities may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by Erwin Utilities. (Ord. #473, April 1985)

18-404. Administration. (1) Wastewater dischargers. It shall be unlawful to discharge without a permit to any natural outlet within the Town of Erwin, or in any area under the jurisdiction of the Erwin Utilities and/or to the POTW any wastewater except as authorized by the manager in accordance with the provisions of this chapter.

(2) Wastewater contribution permits. (a) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

(b) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the Erwin Utilities an application in the form prescribed by the Erwin Utilities and accompanied by a fee of one hundred dollars (\$100.00). Existing users shall apply for a wastewater contribution permit within sixty (60) days after the effective date of this chapter and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address and location, if different from the address;
- (ii) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-402 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended;

(iv) Time and duration of contribution;

(v) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

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

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

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

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

The following conditions shall apply to this schedule:

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

(B) No increment referred to in subsection (A) shall exceed nine (9) months.

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

the date of which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the manager.

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

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

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

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

The Erwin utilities will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Erwin Utilities may issue a wastewater contribution permit subject to terms and conditions provided herein.

(c) Permit modifications. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by § 18-404(2)(b), the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the manager, within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by subsections (viii) and (ix) of § 18-404(2)(b).

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

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW's;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

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

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

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports or discharge reports (see § 18-404(3));

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Erwin Utilities and affording Erwin Utilities access thereto;

(ix) Requirements for notification of the Erwin Utilities of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(x) Requirements for notification of slug discharges as per § 18-405(2);

(xi) Other conditions as deemed appropriate by the Erwin Utilities to ensure compliance with this chapter.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Erwin Utilities during the term of the permit as limitations or requirements as identified in subsection (2) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Erwin Utilities. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(3) Reporting requirements for permittees. (a) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the

average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(b) Periodic compliance reports. (i) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the manager during the months of June and December, unless required more frequently in the pretreatment standard or by the manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in § 18-404(2)(b)(v). At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(ii) The manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the administrator.

Sampling shall be performed in accordance with the techniques approved by the administrator.¹

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Erwin Utilities' requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Erwin Utilities.

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

(6) Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance

¹Where 40 CFR, part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, sampling and analysis procedures for screening of industrial effluents for priority pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Erwin Utilities shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Erwin Utilities for review, and shall be acceptable to the Erwin Utilities before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Erwin Utilities under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Erwin Utilities prior to the user's initiation of the changes.

The Erwin Utilities shall annually publish in the Erwin Record newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

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

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

Information accepted by the Erwin Utilities as confidential shall not be transmitted to any governmental agency or to the general public by the Erwin Utilities until and unless a ten (10) day notification is given to the user. (Ord. #473, April 1985)

18-405. Enforcement. (1) Harmful contributions. The Erwin Utilities may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the

Erwin Utilities in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the town to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the suspension order, the Erwin Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Erwin Utilities shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Erwin Utilities within fifteen (15) days of the date of occurrence.

(2) Revocation of permit. Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of § 18-405 of this chapter.

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

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

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

(d) Violation of conditions of the permit.

(3) Notification of violation. Whenever the Erwin Utilities finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the Erwin Utilities may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Erwin Utilities by the user.

(4) Show cause hearing. (a) The Erwin Utilities may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Erwin Utilities Board (hereinafter "board") why the 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 board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten (10) days

before the hearing. Service may be made on any agent or officer of a corporation.

(b) The board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Erwin Utilities to:

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

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(5) Legal action. If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the Erwin Utilities, the Erwin Utilities' attorney may commence an action for appropriate legal and/or equitable relief in the circuit, chancery or other appropriate court of this county. (Ord. #473, April 1985)

18-406. Penalty--costs. (1) Civil penalties. Any user who is found to have violated an order of the board or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Erwin Utilities may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record,

report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both. (Ord. #473, April 1985)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspection required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices.
- 18-509. Unpotable water to be labeled.
- 18-510. Violations.

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

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

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

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

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

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

¹Municipal code references

Plumbing code: title 12, chapter 2.

Pretreatment regulations: title 18, chapter 4.

Sewage disposal: title 18, chapter 1.

Sewer regulations: title 18, chapter 3.

Water regulations: title 18, chapter 2.

(6) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (Ord. #495, July 1987, modified)

18-502. Standards. The Town of Erwin Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-13-101 through 68-13-104 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #495, July 1987)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the manager for the board of public utilities of the town. (Ord. #495, July 1987, modified)

18-504. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the manager for the board of public utilities of the town a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #495, July 1987)

18-505. Inspection required. It shall be the duty of the Erwin Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved shall be established by the manager for the board of public utilities of the town. (Ord. #495, July 1987)

18-506. Right of entry for inspections. The manager for the board of public utilities or his authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Erwin Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, bypasses, or interconnections. On

request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #495, July 1987)

18-507. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the manager for the board of public utilities of the town. (Ord. #495, July 1987)

18-508. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

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

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the manager for the board of public utilities or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective

device or devices. Where only one unit is installed and the continuance of service is critical, the manager for the board of public utilities shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the manager for the board of public utilities of the town. (Ord. #495, July 1987, modified)

18-509. Unpotable water to be labeled. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. #495, July 1987)

18-510. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to any other authorized fines and penalties, the manager for the board of public utilities of the town shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. #495, July 1987)