

## TITLE 18

WATER AND SEWERS<sup>1</sup>

## CHAPTER

1. HARRIMAN UTILITY BOARD.
2. GENERAL SEWER REGULATIONS.
3. SEWER USE ORDINANCE.
4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

## CHAPTER 1

HARRIMAN UTILITY BOARD

## SECTION

- 18-101. Creation; membership, organization, and jurisdiction, etc.  
 18-102. Fluoridation of water supply.  
 18-103. Violation of board's rules and regulations.

18-101. Creation; membership, organization, and jurisdiction, etc. A board of public utilities to be known as the "Harriman Utility Board" is hereby created and shall have five (5) members who shall be appointed and organized in accordance with Tennessee Code Annotated, title 7, chapter 52. The Harriman Utility Board shall have such jurisdiction over the city's electric system, waterworks, sewage works, and gas system as has heretofore been vested in the city council, and/or any other local board or commission, but shall in all respects be subject to and governed and controlled by the provisions of Tennessee Code Annotated, title 7, chapter 52.

The Harriman Utility Board is specifically given the right to revise and set the rates charged for electricity, water, sewer service, and gas. The Harriman Utility Board is also given the right to set the miscellaneous charges in providing utility services to its customers.<sup>2</sup> (1974 code, sec. 13-101, amended by ords. 807 and 874)

18-102. Fluoridation of water supply. The Harriman Utility Board is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Harriman; to submit such plans to the Department of Public Health of the State of Tennessee for approval; and, upon approval, to add

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<sup>1</sup>Municipal code reference

Building, plumbing, electrical, gas and other utility codes: title 12.

<sup>2</sup>Ordinances, resolutions, etc., establishing such rates can be found in the office of the city clerk.

such chemicals as fluoride to the water supply in accordance with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the waterworks. (1974 code, sec. 13-102)

18-103. Violation of board's rules and regulations. It shall be unlawful to violate any lawful rule or regulation adopted by the Harriman Utility Board. Any person violating any such rule or regulation, in addition to being fined under the general penalty clause for this code, shall be subject to having his utility service discontinued in accordance with the rules and regulations of the Harriman Utility Board. (1974 code, sec. 13-103)

## CHAPTER 2

GENERAL SEWER REGULATIONS<sup>1</sup>

## SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.
- 18-215. Violations.

18-201. 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 two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

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

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

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

(5) "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

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<sup>1</sup>Municipal code reference

Plumbing regulations: title 12.

Wastewater treatment: this title, chapter 2.

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

less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health and Environment 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.

(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) "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.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1974 code, sec. 8-202)

18-202. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1974 code, sec. 8-203)

18-203. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1974 code, sec. 8-203)

18-204. When a septic tank shall be used. Whenever 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 Tennessee Department of Health and Environment. (1974 code, sec. 8-204)

18-205. Registration and records of septic tank cleaners, etc. Every person, firm or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1974 code, sec. 8-205)

18-206. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under section 8-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1974 code, sec. 8-206)

18-207. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1974 code, sec. 8-207)

18-208. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 18-202, or the agent of the owner to provide such facilities. (1974 code, sec. 8-208)

18-209. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1974 code, sec. 8-209)

18-210. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1974 code, sec. 8-210)

18-211. 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. (1974 code, sec. 8-211)

18-212. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage 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. (1974 code, sec. 8-212)

18-213. 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. (1974 code, sec. 8-213)

18-214. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the appropriate 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. (1974 code, sec. 8-214)

18-215. 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. (1974 code, sec. 8-215)

## CHAPTER 3

SEWER USE ORDINANCE

## SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Prohibitions and limitations on wastewater discharge.
- 18-306. Control of prohibited wastes.
- 18-307. Wastewater discharge permits, generally.
- 18-308. Wastewater sampling and analysis.
- 18-309. Industrial self-monitoring and reporting requirements.
- 18-310. Enforcement procedures.
- 18-311. Provision of service.
- 18-312. User charge.
- 18-313. Industrial waste surcharge.

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

- (1) "Act" of "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.
- (2) "Approval authority" - The State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control or any authorized representative.
- (3) "A.S.T.M." - The American Society for Testing and Materials.
- (4) "Authorized representative of industrial user" - Either:
  - (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
  - (b) A general partner or proprietor, if the industrial user is a partnership, or proprietorship respectively; or
  - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (5) "BOD" - Used in sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20 C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association.

- (6) "Building sewer" - A sewer conveying wastewater from the premises of a user to the POTW. A building sewer ends at the tap on the city main sewer transition main.
- (7) "C" - Celsius degrees.
- (8) "Categorical user" - Any discharger subject to categorical pretreatment standards under 40CFR Chapter I, Subchapter N.
- (9) "City" - The City of Harriman or the City Council of Harriman, acting through the manager.
- (10) "Manager" - The Manager of the Harriman Utility Board.
- (11) "Control authority" - The Harriman Utility Board, City of Harriman, Tennessee acting through the HUB manager or his representative.
- (12) "Customer" - Any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water and sewer service or who are utilizing the water and/or sewer system of the City of Harriman.
- (13) "EPA" - The United States Environmental Protection Agency.
- (14) "Garbage" - Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (15) "Holding tank waste" - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (16) "Indirect discharge" - The discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.
- (17) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to Section 402 of the Act.
- (18) "Industrial wastewater" - The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (19) "May" - is permission; "Shall" - is mandatory.
- (20) "Mg/l" - Milligrams per liter.
- (21) "National pretreatment standards" or "pretreatment standards" - Any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with Section 307(b) and (c) of the Act which applies to the industrial users.
- (22) "NPDES permit" - The National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).
- (23) "Person" - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agent or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.



(24) "ph" - The negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

(25) "Pretreatment" - The treatment of wastewater by the user before introduction into the publicly owned system.

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

(27) "Publicly owned treatment works" or "POTW" - A treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of Harriman. This definition includes any sewer that conveys wastewater to the treatment works.

(28) "Sewage" - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(29) "Shall" - is mandatory; "May" - is permissive.

(30) "Significant industrial user" - Any categorical user and any other industrial user of the city's wastewater disposal system who:

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

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

(c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules, or

(d) is found by the city, Environmental Protection Agency (EPA), or the State of Tennessee to have the potential through its discharge to significantly impact, either singly or in combination with other contributing industries, the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(31) "Significant noncompliance" - A violation of this chapter, the conditions of a wastewater discharge permit, or applicable state and/or federal pretreatment standards which meet one or more of the following conditions:

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

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

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this chapter.

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

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

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Such violations are required to be published annually by 40 CFR 403.8(f)(2).<sup>1</sup>

(32) "Standard methods" - The testing methods approved for use in 40CFR 136 as appropriate.

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

(34) "Superintendent" - The HUB Manager for the City of Harriman, Tennessee, or his designee primarily responsible for wastewater discharges.

(35) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator or Environmental Protection Agency under the provisions of 33 USC 1317.

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

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<sup>1</sup>New definition. This definition is required by the State Department of Environment and Conservation to be incorporated into the document. It has considerable importance, as it defines the types of violations to the Sewer User Ordinance which required the POTW to take specific actions.

(37) "User" - Any person discharging wastes to the City of Harriman POTW.

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

(39) "Wastewater" - Domestic sewage and industrial wastewaters discharged to the City of Harriman POTW together with any groundwater, surface water, and storm water that may be present.

(40) "WPCF" - The Water Pollution Control Federation, 601 Wythe Street, Alexandria, VA 22314-1994.

(41) "Miscellaneous terms" - Terms not otherwise defined herein shall be defined as shown in the latest edition of STANDARD METHODS or other appropriate federal or state guidelines and regulations.

(42) "Accessible sewer" - A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way. (Ord. 1000, \_\_)

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

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

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

(4) City's right to require sanitary facilities. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this chapter and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any

particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(5) Harriman utility board's right to require sewer hookup. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city connect such house, building, improvement or property with the proper public sewer in accordance with the provisions of this ordinance and shall cease to use any other means for disposal of sewage, waste, wastewater or other polluting matter, provided however the Harriman Utility Board may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(6) Disposal of private waste by truck. The superintendent shall designate the locations and times where vacuum or "cess pool" trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner or operator of a truck shall, upon request, provide a manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(7) Holding tanks. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. 1000,\_\_\_)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, or where such is otherwise permitted by city ordinance or regulations. (Ord. 1000,\_\_\_)

18-304. Building sewers and connections. (1) Connections of building sewers to POTW. 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 control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority.

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

(3) Separate sewers required. A separate and independent building sewer shall be provided for every building.

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

(5) Construction controls for new sewers. 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 back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(6) Sewer entrances to private facilities. 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.

(7) Extraneous water prohibited. 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.

(8) Quality of construction. All connections to the city system shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(9) Inspection of sewers. The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

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

(11) Condition of private sewers. Users shall be responsible for the integrity of building sewers on his property. If it is determined that these lines are faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the city may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, service shall be terminated.

(12) Grease traps. All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense within ninety (90) days after notification by the city, if and when the control authority determines that a grease problem exists which is capable of causing drainage or operational problems to structures or equipment in the city sewer system, or if such is otherwise required by city ordinance, state or federal law. The city shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the city sewer. If the city employees are required to clean out the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with section 18-306(2) of this chapter.

(13) Alteration to and obstructions to city sewers. No person shall obstruct entrance to or operation of the City Sanitary Sewer System. Existing manholes are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property, or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. Filling or grading of a property such that storm water concentrates at a manhole will not be permitted. The city reserves the right to enter onto its easements at all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

(14) Maintenance of building sewers. The owner of a building sewer is responsible for the maintenance (and replacement, if required) of the building sewer from his building to the tap on the city main sewer line. (Ord. 1000,\_\_\_)

18-305. Prohibitions and limitations on wastewater discharge.

(1) Requirements of wastewater permits. (a) No person shall discharge or cause to be discharged into the City of Harri man POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a wastewater discharge permit as defined in section 18-307 of this document. This section shall not apply to existing sources until they are notified of its requirement in writing.

(b) Persons discharging radionuclides only in addition to domestic sewage are required to obtain a wastewater treatment permit unless:

(1) Material discharged is characterized by a half-life of less than ten days, and a lack of significant alpha activity; and

(2) At no point along the collection system is activity more than double background levels at the surface with all manholes closed and the system functioning normally; and

(3) No more than 500 micro curries of material are discharged per hour measured at the point of discharge into the wastewater collection system to a maximum of 3500 micro curries per day.

It is the responsibility of the discharging party to arrange for verification of these limits within five days of a written request to do so by the city.

(c) The control authority may waive the requirement for a wastewater discharge permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the WWTP or other factors which the control authority may define.

(d) In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards, including sludge disposal standards, the control authority shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in section 18-307 of this chapter. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of

the public, and/or disruption of plant operations including sludge disposal; not to exceed, however, federal limits where applicable.

(2) Prohibitions on wastewater discharge. Regardless of permit status, no person shall discharge or cause to allow to be discharged into the City of Harriman POTW or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease - Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system.

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

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

(d) Improperly shredded garbage - Garbage that has not been ground or comminuted to such a degree that all particles are 1/2 inch or less in greatest dimension and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

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

(f) Solid or viscous wastes - Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the POTW. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.



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

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

(i) Unpolluted waters - Any unpolluted water including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load of the POTW.

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

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

(l) Thermal discharge - Heat in amounts which will inhibit biological activity in or cause damage to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40 C (104 F). Under no conditions may the temperature at the point of discharge exceed 120 F.

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

(3) Limitation on wastewater discharges. No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

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

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

(c) Exceed limits as set forth in his wastewater discharge permit or violate the federal pretreatment standards.

(d) Cause the treatment plant to violate its NPDES permit, pass-through limits, or other applicable receiving water standards, or cause interference with plant operations.

(e) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the control authority. (Ord. 1000,\_\_\_)

18-306. Control of prohibited wastes. (1) Regulatory actions.<sup>1</sup> If wastewaters containing any substance in excess concentrations as described in section 18-305 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Harriman or to any sewer system tributary thereto, the city shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

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

(c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations or federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.

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

(e) Discontinue sewer service to the discharger until such time as the problem is corrected.<sup>2</sup>

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

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the City of Harriman; plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, or

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<sup>1</sup>Note that these requirements are for violations of section 18-305 and are distinct from enforcement provisions of the chapter in general (see section 18-310).

<sup>2</sup>This ability is a federal requirement, which is included here in order to fill the title.

ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

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

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

(5) Right of entry. Agents of the City of Harriman, the Tennessee Department of Environment and Conservation (TDEC), and/or EPA, upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing. (Ord. 1000,\_\_\_)

18-307. Wastewater discharge permits, generally. (1) Permits required. All persons proposing to connect to or discharge into the sanitary sewer system any material other than normal domestic waste shall be considered an industrial user and must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within 60 days after notice from the city.

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

- (a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 18-305 as determined by a laboratory approved by the control authority;
- (d) Time and duration of discharge;

- (e) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount, and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Environment and Conservation and Environmental Protection Agency permits required; and,
- (k) Any other information included in the survey form or as may be deemed by the control authority to be necessary to evaluate the permit application.

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

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits must contain all items required by federal regulation; and further, may include but not necessarily be limited to the following:

- (a) Requirements that the industrial user comply with any and all pretreatment standards and requirements either local, state or federal;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation of inspection and sampling facilities and schedules for said installation;
- (e) Requirements for installation and operation of pretreatment systems or process modifications and schedule for said installations;
- (f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharge as specified by the control authority and affording the city access thereto;

(i) Requirements that the city maintain the right to enter onto the premises for inspection of operations including process areas, storage areas, spill containment areas, pretreatment areas, and any such other portions of the premises which may be deemed appropriate by the controlling authority; and,

(j) Other conditions as deemed appropriate by the control authority to insure compliance with this chapter and state and federal pretreatment standards and requirements.

(5) Duration of permits. 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 permittee must apply for a renewal permit not more than ninety (90) days nor less than thirty (30) days prior to the expiration of his valid permit. If the user is not notified by the control authority of permit expiration, the permit shall be considered extended for thirty days at a time up to a total of one additional year. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) Transfer of permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation. (Ord. 1000,\_\_\_)

18-308. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the parameters listed in the discharge permit as authorized under section 18-307 are to apply at the point where the industrial wastes are discharged into the POTW unless otherwise noted. Any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach the specified point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in 40 CFR part 136 or, if otherwise approved, in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmosphere Analysis" published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the control authority and the producer of such wastes. The frequency and duration

of the sampling of any industrial waste shall be determined by the control authority.

(2) Control manhole. When required by the control authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the user at his expense, and shall be maintained by him so as to be safe and accessible at all times. The control authority shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge. (Ord. 1000,\_\_\_)

18-309. Industrial self-monitoring and reporting requirements.

(1) Discharge reports. In order to effectively administer and enforce the provisions of these regulations, the control authority shall require discharge reports, sampling reports, test analyses, and periodical reports of wastewater discharge.

(2) Monitoring programs. (a) The control authority shall require of users such technical or monitoring programs, including the submission of periodic reports, as it deems necessary and as are required by law. The user shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the City of Harriman.

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

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

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

(c) In the event that the control authority suspects that a violation of any part of this chapter or of the user's wastewater discharge permit is occurring, it may take samples for the purpose of monitoring of the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the control authority.

(d) Sampling report requirements (403.12(g)(2)). If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the

results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.

(e) Sampling frequency report (403.12 (g)(5)). If an industrial user subject to the reporting requirement in paragraph (e) of this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in paragraph (g)(4) of this section, the results of this monitoring shall be included in the report.

(f) Signatory requirements for industry (403.12(l)). Signatory requirements for industrial user reports. The reports required by paragraphs (b), (d) and (e) of this section shall include the certification statement as set forth in 403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

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

(B) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:

(A) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);

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

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

(4) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility,

or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(g) Industrial user notification requirements (403.12(p)).

(1) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirements in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.



(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under paragraph (p) of this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. 1000,\_\_\_)

18-310. Enforcement procedures. (1) Administrative enforcement remedies. (a) Notification of violation. Whenever the superintendent finds that any user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation (NOV). If required in the NOV, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent within the time frame specified, not to exceed thirty (30) days. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 18-310(1)(d) below.

(c) Show cause hearing. The superintendent may order any user which is in violation of or causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested). Ten (10) days prior notice shall be given, if practical. Such notice may be served on any principal executive, general partner, corporate officer, site manager, or other person listed in pretreatment document submitted by the user as

a contact. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

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

(e) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

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

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

(g) Emergency suspensions. (1) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or

substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a users failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.

(3) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent prior to the date of the hearing described in paragraph (2) above.

(h) Revocation of permit. The superintendent may revoke the permit of any user who continually violates the conditions of his permit or this chapter, or applicable state and federal regulations, or for any of the following violations:

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

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

(3) Refusal of reasonable access to the users premises for the purpose of inspection or monitoring.

(i) Appeal of administrative penalties. Upon issuance of any administrative order or penalty, the user shall be notified that he shall be entitled to a hearing upon such order or penalty. Request for such hearing must be made within seven (7) days of notification of the administrative action. The hearing will be held before the HUB manager and shall be heard within seven (7) days of the request for hearing. At the hearing, the superintendent or his representative shall represent the controlling authority. The controlling authority and the customer shall be entitled to present evidence relevant and material to the penalty and to examine and cross examine witnesses. HUB may be represented by an attorney, if the user so chooses. The HUB manager shall render a decision within seven (7) days upholding or overturning the administrative order or penalty. Notwithstanding the following, Emergency Suspensions are described in section 18-310(1)(g) are effective

immediately upon issuance, and right to appeal is contingent on compliance by the user.

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

(a) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

(b) Civil penalties. (1) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the superintendent for actual damages incurred by the POTW. In addition to damages, the superintendent may recover reasonable attorneys fees, court costs, and other expenses associated with the enforcement, activities, including sampling and monitoring expenses.

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

(3) Criminal actions. (a) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by penalty and imprisonment to the full extent allowed by law.

(b) Any industrial user who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punishable by a penalty and imprisonment to the full extend allowed by law.

(4) Affirmative defenses. (a) Treatment upsets. (1) Any industrial user which experiences an upset in operations that places it in a temporary state of non-compliance, which is not the result of

operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

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

(B) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

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

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

(b) Treatment bypasses. (1) A bypass of the treatment system is prohibited unless all of the following conditions are met:

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

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

(C) The industrial user properly notified the superintendent as described in paragraph (2) below.

(2) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass.

If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least 10 days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (1) above.

(5) Remedies nonexclusive. Use of any remedy herein contained shall not preclude utilization of any other remedy available at law or in equity nor shall it preclude revocation of permits as provided for herein. (Ord. 1000,\_\_\_)

18-311. Provision of service. (1) Application for service. Prior to use of the POTW, prospective users shall be required to sign an application for service and/or the control authority's standard form of contract before service is supplied. Users requiring the installation of special equipment by the control authority may be required to sign a form of contract guaranteeing a minimum charge for such period of time as may be required by the control authority, but, in the absence of a completed application or contract, the usage by the user shall bind the user to the terms of the control authority's standard form of application. If for any reason user, after signing application or contract for services, does not take the service, he shall reimburse the control authority for the expense incurred by reason of its endeavor to furnish such service.

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

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

(4) Point of delivery - water service. The sewer service rates are based upon the supplying of water service to an entire premises through a single delivery and metering point. If water service is rendered to any user or premise

through more than one delivery point, the control authority will bill each such delivery point as a separate service.

(5) Discontinuance of service. The control authority, as the distributor of water, may disconnect its water and/or sewer service and may refuse to reconnect water or sewer service for a violation of this chapter, for failure to comply with any of its Water Rules and Regulations, for violation of any provision of the user's application or contract with the control authority for sewer service furnished. Discontinuance of service by the control authority for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for payments that thereafter become due under the provisions of any contract between the user and the control authority. Termination of service is appealable under section 18-310(1)(i).

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

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

(8) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the control authority, will become part of the community system, without cost to the control authority and will then be maintained by the control authority.

(9) Scope. These rules, regulations and rate schedules as established by the city are a part of all contracts for receiving sewer service from the control authority and apply to all service received from the control authority whether the service is based upon contract, signed application or otherwise. The city may approve upon application the installation of a deductive meter where major portions of the water does not enter the POTW. (Ord. 1000,\_\_\_)

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

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

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

(4) The control authority shall review not less often than every two years the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewer facilities, and the user charge system. The control authority shall revise the user charge if necessary to accomplish the following:

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

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of POTW facilities.

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

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

(7) The Harriman Utility Board shall establish user charges and rates for service from time to time. The rates will be available from the Harriman Utility Board upon request. (Ord. 1000, \_\_)

18-313. Industrial waste surcharge. (1) In the event the user discharges industrial wastes to the POTW having an average Biochemical Oxygen Demand (BOD) content in excess of 250 mg/l, and/or an average Suspended Solids (SS) content in excess of 250 mg/l, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of 40 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

(2) The costs of treatment for each pound of BOD, SS, and TKN removed by the POTW shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewer billing. These rates shall be in effect until the next annual rate review. (Ord. 1000, \_\_)



## CHAPTER 4

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

## SECTION

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

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

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

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

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

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

(5) "Inter-connection." 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.

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<sup>1</sup>The regulations in this chapter are recommended by the Tennessee Department of Health and Environment for adoption by cities.

Municipal code reference

Plumbing code: title 12.

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

18-402. Standards. The Harriman Public Water Supply is to comply with sections 68-13-701 and 68-13-719 of the Tennessee Code Annotated, 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, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (Ord. 821)

18-403. 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 Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the Harriman Water Department. (Ord. 821)

18-404. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Harriman Water Department a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. 821)

18-405. Inspections required. It shall be the duty of the Harriman 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 as established by the Superintendent of the Harriman Water Department and as approved by the Tennessee Department of Health and Environment. (Ord. 821)

18-406. Right of entry for inspections. The Superintendent of the Harriman Water Department or his authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Harriman Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-

connections. 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. 821)

18-407. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Harriman Water Department. (Ord. 821)

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

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the 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 Superintendent of the Harriman Water Department, 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 premise is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Harriman Water Department prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. 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 Superintendent of the Harriman Water Department or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of

service is critical, the Superintendent of the Harriman Water Department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The 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 Superintendent of the Harriman Water Department. (Ord. 821)

18-409. 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:

W A T E R   U N S A F E  
  
F O R   D R I N K I N G

Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. 821)

18-410. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and fined according to the general penalty clause in this municipal code of ordinances. In addition to or in lieu of any fines and/or penalties which may be imposed by a court, the Superintendent of the Harriman Water Department 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. 821, modified)