

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

SECTION

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18-101. Waterworks and sewer facility placed under water commission. The custody, administration, operation, maintenance, and control of the existing waterworks and sewer system and/or to be acquired and thereafter to be repaired, extended, and improved shall be vested in the Norris Water Commission.

18-102. Composition and term of commission. The Norris Water Commission shall consist of three members who are residents of the City of Norris. The term of each member shall be six (6) years.

18-103. Qualification, bond, oath, organization, compensation, and general powers and duties of the commission and/or its members. The members of the Norris Water Commission shall qualify in the manner required by *Tennessee Code Annotated* § 7-35- 401 et seq. Members shall be covered by the City of Norris blanket bond in the amount of \$10,000 each, and after having taken the oath of office required for the governing officials of the City of Norris, the members shall meet for the purpose of conducting the organization of the commission as in *Tennessee Code Annotated* § 7-35- 409. The members of the commission shall receive no compensation for their services but that they shall be allowed necessary traveling and other expenses while engaged in the business of the board. The secretary/treasurer shall be the city manager who shall receive a salary per fiscal year in the amount to be determined by the commission. After the commission has perfected its organization it shall have and exercise all the powers and duties imposed on it by *Tennessee Code Annotated* § 7-35- 401 et seq. and shall operate and function in the manner and shall keep the records and accounts required by said chapter, subject to the making of such additional provisions of *Tennessee Code Annotated* § 7-35- 401 et seq.

18-104. Commission's authority to establish rules and regulations.

The Norris water commissioners, constituted and appointed as provided in this part and referred to in this part as the “board”, has the power to take all steps and proceedings and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this part, subject only to limitations on matters requiring approval by the governing body of the city or town in question. From and after its first meeting, the board shall act in an advisory capacity to the governing body of the city in all matters pertaining to the financing of the enterprise and the acquisition of any or all parts of the proposed works or extensions to the works by purchase, condemnation or construction, and it is the board's duty to collect and furnish all necessary data and information, and to recommend such appropriate action by the governing body as may appear to the board to be necessary from time to time. The board shall have the power, and it shall be the board's duty, to proceed with all matters pertaining to construction, extensions, improvements and repairs necessary to proper completion of the works. After completion and acceptance of the works by the board, the board shall have the power, and it shall be its duty, to proceed with all matters and perform everything necessary to the proper operation of the works and collection of charges for service rendered, subject only to the limitation of funds available for operation and maintenance. To this end, the board may employ such employees as in its judgment may be necessary and may fix their compensation, all of whom shall do such work as the board shall direct. The board shall have power to employ

contractors, engineers, and attorneys whenever in its judgment such services are necessary.

Rules and regulations established by the water commission shall become effective only after having been submitted to the city council at one regular meeting, followed by a public notice of not less than fifteen (15) days, such public notice to be accomplished by depositing a copy of such rules with the city manager, which copy shall be available for public inspection at all normal business hours. All changes in the rules shall be accomplished in the manner hereinabove set forth.

18-105. Fluoridation of water supply. The Norris Water Commission is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Norris, Tennessee, to submit such plans to the Department of Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply, in accordance with such approval, as will adequately provide for the fluoridation of the water supply.

The cost of such fluoridation will be borne by the revenues of the Norris Water Commission.

18-106. Circumvention of rules and regulations. It shall be unlawful for any party or person to take, obtain, or receive water from the municipal water system of the City of Norris when all or any part of the water is obtained by piping or procuring same without it passing through a city water meter, or by bringing same through a city water meter or meter box which has been rendered inoperative for the purpose of avoiding payment for the water passing through the water meter.

It shall be unlawful for any party or person who is lawfully or otherwise, receiving water from the municipal water system of the City of Norris to arrange, cause, permit, and/or allow himself or any other party or person to obtain, take or receive such water for the purpose of delivering same to or using such water in connection with an additional house, commercial building, manufacturing establishment, or any other type of building, improvement, or facility which, under the requirements, rules, and regulations of the City of Norris and/or the Norris Water Commission, would be required to be separately served with water and charged for same as a separate or individual water customer unit.

It shall be unlawful for any party or person, either personally or by means of an agent, to take, obtain, or receive water from the municipal water system of the City of Norris in any way or manner which would circumvent or violate any of the requirements, rules, regulations, etc., of the City of Norris and/or the Norris Water Commission relative to the municipal water system.

For each water service month, or fractional part thereof, that any party or person shall unlawfully take, obtain, or receive water from the municipal water system of the City of Norris, in any way or manner as heretofore herein defined or described in this section, such party or person, in addition to any other water use charges, fees, deposits, fines, etc., for which liability may accrue, shall also be liable for the payment of the minimum monthly water and/or sewer service charges.

18-107. Schedule of charges for water and sewer service. The schedule of charges for application service fees is established in the fee schedule ordinance adopted by city council.

18-108. Charge for automatic sprinkler service. The charge for services rendered is established in the fee schedule ordinance adopted by city council.

18-109. No free water or sewer service. No water or sewer service shall be furnished or rendered free of charge to any person, firm, corporation, or to the city.

18-110. Reading of meters and billing date. All water meters shall be read monthly to the nearest 100 gallons and bills rendered on or as nearly as practicable to the 10th of each month, based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of the system, during the regular hours of business.

18-111. Billing when meter is faulty or inaccurate. In the event any meter shall be found to be inoperative during any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three monthly bills, unless the use is of a seasonable character in which case it shall be based on previous years usage for the same month.

18-112. Delinquency date and charge. If any bill for water or sewer service shall be and remain due and unpaid after the 27th of the month of issue, there shall be an additional charge of ten per centum added thereto.

18-113. Discontinuance of service to delinquent customers. If any bill for water or sewer service remains past due and unpaid 30 days after the initial billing, the city will send a delinquent customer notice. The water commission will disconnect delinquent customers after 43 days from the initial billing, and not be reconnected until all past due bills have been paid in full, together with a reconnection charge as defined in the fee schedule ordinance adopted by city council. It shall be the duty of the superintendent of the system to notify the operator of the system of such delinquency. The operator shall proceed to the premises of the user so in arrears and disconnect service. The arrival of the operator at the premises constitutes a charge to the delinquent customer. If the customer desires to pay the bill at that time, a collection fee as defined in the fee schedule ordinance adopted by city council must be paid along with all other past due bills or the water service must be disconnected. The superintendent of the system shall have sole discretion in instances where strict compliance is not enforced based upon knowledge of unique problems or circumstances of the residents involved; for instance, a death in the family or other hardship.

18-114. Tap fees. The initial water tap shall be performed by the Norris Water Commission's employees or its approved contractors for a minimum charge as defined in the fee schedule ordinance adopted by city council. The initial sewer tap shall be

performed by the Norris Water Commission's employees or its approved contractors for a minimum charge as defined in the fee schedule ordinance adopted by city council.

18-115. Non-refundable Service Connection Fee. Each new residential property owner and non-property owner customer shall render to the Norris Water Commission a non-refundable service connection fee. The schedule of charges for application service fees is established in the fee schedule ordinance adopted by city council.

18-116. Water and/or sewer service to be initiated or terminated only by authorized personnel. Only employees of the commission will be permitted to initiate or terminate water and/or sewer service, or to reconnect service when it shall have been discontinued for non-payment of a bill for service. No reconnection for non-payment or other reasons shall be made until such bill shall have been paid in full, including the reconnection fee. It shall be unlawful for any person or persons to tamper with or change any water meter, or to make any connection or reconnection to the water or sewer system.

18-117. Premises required to connect to sewers. The city will require the owner, tenant, or occupant of each lot or parcel of land within the city which abuts upon a street or other public way containing a sanitary sewer, the elevation of which will permit a connection with such sanitary sewer, and upon which lot or parcel of land is situated a building for residential, commercial, or industrial use, to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste, or other polluting matter except for new homes built in 2011 with temporary (12 month commission-approved supplementary gray water systems that have been approved by Tennessee Department of Environment and Conservation (TDEC) for experimental use.

18-118. Water and sewer service to be charged for as a unit. The Norris Water Commission will combine charges for sewer and water service to the users thereof in one statement and will bill the users of such services in such manner as to require the payment of both charges. ~~as a unit.~~

18-119. Repair and maintenance services and supplies and charges therefor. The Norris Water Commission is hereby authorized and empowered to contract for or render directly all supplies and/or construction, repair, or maintenance services necessary for or incidents to the providing of water and/or sewer services in accordance with the authority of the commission, and to recommend to council equitable rates and/or charges to be paid by users, customers, and/or consumers for such supplies and/or construction, repair, or maintenance services. Such rates and charges shall be based upon actual or estimated costs plus 20 per cent overhead, and are to be charged to the user, customer, or consumer for whom such supplies are furnished or for whom construction, repair, or maintenance services are rendered. The commission is authorized and empowered to establish the necessary rules and regulations to insure the orderly and uniform handling of such service charges.

18-120. Water and sewer main extensions or relocations. Persons desiring water and/or sewer main extensions or relocations must pay all of the cost of making such extensions.

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

Upon completion of such extensions or relocations and the successful passing of appropriate construction quality tests such as pressure and vacuum testing as specified in TDEC design criteria, and their approval by the Norris Water Commission, such water and/or sewer mains shall become the property of the Norris Water Commission. The persons paying the cost of constructing such mains shall execute any written instruments requested by the Norris Water Commission to provide evidence of the Norris Water Commission 's title to such mains. In consideration of such mains being transferred to it, the Norris Water Commission shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-121. Water and sewer main extension variances. Whenever the Norris Water Commission is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the Norris Water Commission, in accordance with the laws and regulations of the State of Tennessee.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

18-122. Penalties. Penalties for violations of Section 18-101 through 18-122 are punishable by fines in accordance with the laws of the State of Tennessee. Violations may also result in the termination of service as provided by the Norris Water Commission.

CHAPTER 2

CONSERVATION OF WATER

SECTION

18-201. Declaration of a water shortage

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18-203. Adoption of standby water rates

18-204. Categories of water shortages with action to be taken

18-205. Actions to be implemented during a declared water shortage.

18-206. Enforcement of prohibitions

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18-208. Definitions.

18-201. Declaration of a water shortage. The Norris Water Commission Superintendent is hereby authorized to declare a water shortage emergency to exist in accordance with the standards set out in Section 18-204. The declarer must attempt to contact all Water Commissioners to inform them of the emergency action as soon as is possible. An end to a water shortage emergency must be declared by the superintendent and approved by the Norris Water Commission. The declaration may be scaled up or down during the emergency, as declared by the superintendent or his designee or Norris Water Commission.

18-202. Prohibited acts during a declared water shortage. There are prohibited water uses within the system's service area, when a water shortage emergency has been declared under Section 18-201. Prohibited uses are detailed in section 18-205.

18-203. Adoption of standby water rates. During a declared water shortage the water rates will automatically increase to a "Standby Rate". This rate is a 10% increase of the current water rates in all classes. It does not include sewer rates. The "Standby Rate" is specified in TDEC's Attachment C, Drought Responses. In the appendix the "Standby Rate" is triggered during the voluntary reduction of water use in a water shortage.

18-204. Categories of water shortages with action to be taken. The Norris Water Commission has four categories of a water shortage emergency. They are listed below with an initiating condition and the actions to be taken in each category.

<u>Category</u>	<u>Initiating Conditions</u>	<u>Actions</u>
1. Water Alert	Drought conditions in the region, or a determination of the superintendent that demand is beginning to exceed supply.	<i>Voluntary reductions.</i>

Or, water storage is approaching the minimum volume required for fire protection or other essential needs.

2. Serious Shortage	A determination of the superintendent that demand is exceeding supply.	<i>Mandatory water restrictions</i>
3. Critical Shortage	A determination of the superintendent that demand has exceeded supply.	<i>Water use prohibitions</i>
4. Emergency	System failure or treatment plant failure, supply or system contamination, or any other catastrophic event	<i>Immediate notification of customers</i>

18-205. Actions to be implemented during each a declared water shortage.

The following will be implemented as listed for each of the water shortage categories in section 18-204 once a water shortage emergency has been declared.

Category 1---Water Alert

The declaration will activate a process to notify the customers of the potential water shortage and what voluntary measures that are asked to be implemented.

The customers will be asked to voluntarily:

- Cease frivolous use of water.
- Cease watering the landscape between the hours of 9:00 am to 7:00 pm.
- Water landscape during the hours not listed above, on alternative days. (Even numbered addresses on even days, odd numbered addresses on odd days.)
- Notify the local news media, if appropriate, to ask for their assistance in notifying customers.
- Initiate other water conservation measures that may be deemed appropriate by the Water Commission.

Category 2---Serious Water Shortage

The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

- Cease frivolous use of water.
- Notify the local news media, if appropriate, to ask for their assistance in notifying customers.
- Notify outside agencies for assistance.
- Notify all fire departments of the situation.

- Initiate other water conservation measures that may be deemed appropriate by the Water Commission.
- Watering of landscape is prohibited, except for sod or plants that were planted within the previous 2 weeks.
- Commercial greenhouses and greenery suppliers will limit their watering of plants to every other day. Watering will not be allowed from 9:00 am to 7:00 pm. Drip style irrigation shall be utilized unless permission to use other styles has been granted by the Superintendent or his designee.
- No water for washing motorbikes, motor vehicles, boat trailers, or other vehicles except at a commercial washing facility that practices wash water recycling. (Exceptions include vehicles that must be cleaned to maintain public health and welfare such as food carriers and solid waste transfer vehicles.)
- No water to wash sidewalks, walkways, driveways, parking lots, tennis court, and other hard-surfaced areas.
- No water to wash buildings and structures, except as needed for painting or construction.
- No water for a fountain or pond for aesthetic or scenic purposes, except where necessary to support fish life.
- Discourage serving water to customers in restaurants unless water is requested by the customer. This action does not provide significant water savings, but is useful for generating awareness of the need to curtail use.
- Water only tees and greens and not other golf course areas.
- No water for dust control unless absolutely necessary.
- No water for gutter cleaning.
- Flushing of fire hydrants or water- mains will only be allowed to preserve water quality or system maintenance.
- No water to fill, refill, or add to any indoor or outdoor swimming pools or hot tubs, except if one of the following conditions is met: the pool is used for a neighborhood fire control supply or the pool's use is required by a medical doctor's prescription.

Category 3---Critical Water Shortage

The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

- All Category 2 restrictions will be in effect.
- No water from hydrants for construction purposes (except on a case-by case basis as approved by the Water Superintendent), fire drills, or any purpose other than fire fighting.
- Implement limitations on commercial uses of water, depending on the severity of the shortage.
- Issue public service announcements to notify customers of the severity of the conditions.

Category 4---Emergency Water Shortage

The declaration will activate a process to notify the customers of the potential water shortage and what mandatory water restrictions are in effect.

- All Category 2 and 3 restrictions will be in effect.
- The Water Commission secretary in conjunction with the superintendent shall call an emergency Water Commission meeting. These decisions will be based upon whether the water use is defined as essential use, domestic use or non-essential use per the definitions found in section nine (9) of this ordinance.
- Implement other actions as deemed necessary by the Water Commission.
Implement backup plans: such as purchasing water from other systems, hauling water to the city, designating water distribution points and supplying bottled water.

18-206. Enforcement of prohibitions. Water waste prohibitions set forth in this Ordinance will be strictly enforced. Violators may be cited pursuant to City of Norris Municipal Code, and water service may be interrupted for ~~repeat~~ violations as set forth herein.

18-207. No Liability of Norris Water Commission and the City of Norris during a water shortage. The water commission and/or city cannot and does not guarantee either sufficient supply or adequate or uniform pressure during a Water Shortage. The water commission and/or city shall not be liable for any damages or loss resulting from an inadequate or interrupted supply, from pressure variations, or for damages from the resumption of service when such conditions are not due to willful fault or neglect on its part.

18-208. Definitions.

- **Essential Use:** The use of water is strictly for fire fighting, safety, sanitation, health and medical purposes, and the use to satisfy federal, state and local public health and safety requirements.
- **Domestic Use:** Any use of water for household purpose such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial establishment.
- **Non-Essential Use:** All other uses for water other than Essential or Domestic Use.
- **Customer:** All persons using water provided by the Norris Water Commission both in and outside the City of Norris; regardless of whether any person using water shall have a contract for water service with the City.

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

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- 18-322. Inspection and Testing Fees
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- 18-324. Water Heater Temperature-Pressure Relief Valves
- 18-325. Safety Standards-Duplicate Equipment in Parallel Required.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

Air Gap: A physical separation between the free flowing discharge end of a potable water supply line and an open or non-pressurized receiving vessel.

Approved Air Gap: An air gap separation with a minimum distance of at least twice the diameter of the supply line when measured vertically above the overflow rim of the vessel, but in no case less than one (1) inch.

Approved: Any condition, method, device, procedure accepted by the Tennessee Department of Environment and Conservation, Division of Water Supply, and the Norris Water Commission.

Auxiliary Intake: Any piping connection or other device whereby water may be secured from any sources other than from the public water system.

Auxiliary Water Supply: Any water supply on or available to the premises other than water supplied by the public water system.

Backflow: The reversal of the intended direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a potable water system from any source.

Backpressure: A pressure in the downstream piping that is higher than the supply pressure.

Backsiphonage: Negative or Sub-atmospheric pressure in the supply piping.

Backflow Prevention Assembly: An approved assembly designed to prevent backflow.

Bypass: Any system of piping or other arrangement whereby water may be diverted around a backflow prevention assembly, meter, or any other public water system controlled device.

Contamination: The introduction or admission of any foreign substances that causes illness or death.

Contaminant: Any substance introduced into the public water system that will cause illness or death.

Cross-Connection: Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

Cross-Connection Control Coordinator: The person who is vested with the authority and responsibility for the implementation of the Cross-Connection Control Program and for the provision of this ordinance/policy as assigned by the superintendent.

Customer: Any natural or artificial person, business, industry, or governmental entity that obtains water, by purchase or without charge, from the water provider.

Direct Cross Connection: An actual or potential cross-connection subject to back siphonage and backpressure.

Double Check Detector Assembly: A specially designed assembly composed of line size approved double check valve assembly, with a bypass containing a water meter and approved double check valve assembly specifically designed for such application. The meter shall register accurately for very low rates of flow up to 3 gallons per minute and shall show a registration for all rates of flow. This assembly shall only be used to protect against non-health hazards and is designed primarily for use on fire sprinkler systems.

Double Check Valve Assembly: An assembly of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between tightly closing resilient seated shutoff valves and fitted with properly located resilient seated test cocks. This type of device shall only be used to protect against non-health hazard pollutants.

Failed: The status of a backflow prevention assembly determined by a performance evaluation based on the failure to meet all minimums set forth by the approved testing procedure.

Fire System Classifications Protection: The classes of fire protection systems, as designated by the American Water Works Association "M14" for cross-connection control purposes based on water supply source and the arrangement of supplies, are as follows:

Class 1: Direct connection to the public water main only; non pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry well or other safe outlets.

Class 2: Same as Class 1, except booster pumps may be installed in connection from the street mains.

Class 3: Direct connection to public water supply mains in addition to anyone or more of the following: elevated storage tanks; fire pumps taking suction from above ground covered reservoirs or tanks; and pressure tanks.

Class 4: Directly supplied from public water supply mains, similar to Class 1 and Class 2, with and auxiliary water supply dedicated to fire department use and available to premises, such as an auxiliary supply located within 1700 feet of the pumper connection.

Class 5: Directly supplied from public water supply mains and interconnection with auxiliary supplies such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells or industrial water systems; where antifreeze or other additives are used.

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

Hazard, Degree of: A term derived from evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

Hazard, Health: A cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, caused death, illness, and spread disease also known as a High Hazard.

Hazard, Plumbing: A cross-connection in a customer's potable water system plumbing that is not properly protected by an approved air gap or backflow prevention assembly.

Hazard, Non-health: A cross-connection or potential cross-connection involving any substance that would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the public water supply also known as Low Hazard.

Indirect Cross-Connection: An actual or potential cross-connection subject to backsiphonage only.

Industrial Fluid: Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution, or plumbing hazard if introduced into the public water supply. This shall include, but is not limited to: polluted or contaminated water; all type of process water or used water originating from the public water system and that may have deteriorated in sanitary quality; chemicals; plating acids and alkalis; circulating cooling water connected to an open cooling lower; cooling towers that are chemically or biologically treated or stabilized with toxic substance; contaminated natural water

systems; oil, gases, glycerin, paraffin, caustic, and acid solutions, and other liquids or gases used in industrial processes, or for fire purposes.

Inspection: An on-site evaluation of an establishment to determine if backflow prevention assemblies are needed by the customer to protect public water system from actual or potential cross-connections.

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

Passed: The status of a backflow prevention assembly determined by a performance evaluation in which the assembly meets all minimums set forth by the approved testing procedure.

Performance Evaluation: An evaluation of an approved Double Check Valve Assembly or Reduced Pressure Principle Assembly (including approved Detector Assemblies) using the latest approved testing procedures in determining the status of the assembly.

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.

Pollutant: A substance in the public water system that would constitute a non-health hazard and would be aesthetically objectionable if introduced into the public water supply.

Pollution: The presence of a pollutant or substance in the public water system that degrades its quality so as to constitute a non-health hazard.

Potable Water: Water that is safe for human consumption as prescribed by Tennessee Department of Environment and Conservation, Division of Water Supply.

Public Water Supply: An entity that furnishes potable water for general use and which is recognized as the public water supply by Tennessee Department of Environment and Conservation, Division of Water Supply.

Pressure Vacuum Breaker Assembly: An assembly consisting of one or two independently operating spring loaded check valve(s) and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shutoff valve(s) on each side of the check valves and properly located test cocks for testing valves. This assembly is approved for internal use only and is not approved for premise isolation by the State of Tennessee.

Public Water System: A water system furnishing water to the public for general use which is recognized as a public water supply by the State of Tennessee.

Reduced Pressure Principle Assembly: An assembly consisting of two independently acting approved check valves together with hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and below the first check valve. These units shall be located between two tightly closing resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks.

Reduced Pressure Principle Detector Assembly: A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention

assembly with a bypass containing a water meter and approved reduced pressure principle backflow prevention assembly specifically designed for such application. The meter shall register accurately for very low flow rates of flows up to 3 gallons per minute and shall show registration for all flow rates. This assembly shall be used to protect against non-health and health hazards and used for internal protection.

Service Connection: The point of delivery to the customer's water system; the terminal end of a service connection from the public water system where the water department loses jurisdiction and control over the water. "Service Connection" shall include connections to fire hydrants and all other temporary or emergency water service connections made to the public water system.

State: The State of Tennessee, Tennessee Department of Environment and Conservation, Division of Water Supply.

Survey: An evaluation of a premise by Norris Water Commission personnel for the determination of actual or potential cross-connection hazards and the appropriate backflow prevention needed.

Water System: The water system operated, whether located inside or outside, the City of Norris corporate limits thereof, shall be considered as made up of two (2) parts, the Utility System and the Customer System:

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

B. The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying water to the point of use.

18-302. Standards. The City of Norris municipal public water supply is to comply with *Tennessee Code Annotated*, §§ 68-221-701 through 68-221-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses.

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent or his representative.

18-304. 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 a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also

contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises.

18-305. Inspections required. It shall be the duty of the Cross Connection Manager/Coordinator to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent and as approved by the Tennessee Department of Environment and Conservation.

18-306. Right of entry for inspections. The Norris Water Commission Superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the *Tennessee Code Annotated*, § 68-221-711, within a reasonable time and within the time limits set by the superintendent shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

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

18-308. Use of protective devices. Where the nature of use of the water supplied a premise 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, 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 premise 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 or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

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

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent 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 shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premise. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

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

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits of the City of Norris and are hereby made a part of the conditions required to be met for the Norris Water Commission to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to occur shall be a separate offense.

18-311. Backflow Prevention Determination. An approved backflow prevention assembly shall be installed on each service line to a customer's premises within 5 feet of the water meter and in all cases before the first branch line leading off the service line, if it is impractical or easily altered to provide an effective air gap separation, when any of the following conditions exist:

A. All premises listed as High Risk High Hazard including industrial fluids, sewage, or any other non-potable substances are handled in such a manner as to create actual or potential health hazard to the water system.

B. All premises listed with actual or potential cross-connections listed in approved plan criteria list.

C. Premises having auxiliary water supply, including but not limited to a well, cistern, spring, pond, river, or creek that is not, or may not be, of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Cross-Connection Control Manager/Coordinator or designee.

D. The plumbing from a private well or other water supply entering the building served by the public water supply, or is connected, directly or indirectly, to the public water supply.

E. The owner or occupant of the premises cannot, or is not willing to demonstrate that the water use and protective features of the plumbing are such that frequent alterations are made to the plumbing.

F. The nature and mode of operation within the premises is such that frequent alterations are made to the plumbing.

G. The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required.

H. There is likelihood that protective measures may be subverted, altered, or disconnected. Any premises having service and fire flow connections, most commercial and educational buildings, construction sites, all industrial and medical facilities, lawn irrigation systems, public or private swimming pools, private fire hydrant connections used by any fire department in combating fires, photographic laboratories, standing ponds or other bodies of water, auxiliary water supplies, and wastewater treatment plants.

I. Any premises having fountains, water softeners or other point of use treatment systems hot tubs or spas, or other type(s) of water using equipment.

J. Premises otherwise determined by the Cross-Connection Control Manager/Coordinator or designee to create an actual or potential hazard to the public water system.

K. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential health hazard to public water system, the public water system shall be protected by an air gap separation (at the discretion of water provider to allow) or a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

L. In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

M. A backflow prevention assembly shall be installed on each fire service line at the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(1) Class 1, 2, and 3 fire protection systems shall require at minimum a double check valve (detector) assembly; provided however, that a reduced pressure principle (detector) shall be required.

- a. Underground fire sprinkler pipelines are parallel to and within (10') feet horizontally of pipelines carrying waste water or significantly toxic wastes; or
- b. Premises having unusually complex piping systems;
- c. The pumpers connecting to the system have corrosion inhibitors or other chemical added to the tanks of the fire trucks;
- d. The piping system(s) has corrosion inhibitors or other chemical added to prevent freezing;
- e. An auxiliary water supply exists with 1,700 feet of any likely pumper connection.

(2) Class 4, Class 5, Class 6 fire protection systems shall require an air gap, or a reduced pressure principle assembly (detector) as determined by the Cross -Connection Control Manager/Coordinator or designee.

(3) Where a fire sprinkler system is installed on the premises, a minimum of a double check valve assembly (detector) shall be required.

(4) Where a fire sprinkler system uses chemicals, such as liquid foam, to enhance fire suppression a reduced pressure principle detector assembly shall be required.

(5) The Cross-Connection Control Manager/Coordinator may require internal or additional backflow prevention devices where it is deemed necessary to protect potable water supplies within the premises.

N. In the case of any premises with an auxiliary water supply as set out in Section 10, and not subject to any of the following rules, the public water system shall be protected by an air gap separation or a reduced pressure principle assembly.

O. Double Check Valve Assemblies (and Detectors) may only be used for Class 1-3 fire protection systems (at the discretion of water provider to even allow).

P. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as may create an actual or potential hazard to public water system, the public water system shall be protected by a reduced pressure principle backflow prevention assembly. The following premises, where such conditions may exist, include but are not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, funeral homes, and metal plating operations.

Q. In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by a reduced pressure principle assembly (detector) or air gap separation (at the discretion of water provider) assembly on each service line to the premises.

R. In the case of any premises where, because of security requirements or other prohibitions or restriction it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected against backflow from the premises by either an air gap separation (at the discretion of the water provider) or reduced pressure principle assembly on each service line to the premises.

(1) In the case of any premises where toxic substances are present that could pose an undue health hazard, the Cross-Connection Control Manager/Coordinator or designee may require an air gap 101 separation or reduced pressure principle assembly at the service connection to protect the public water system. In making this determination, the Cross-Connection Control Manager/Coordinator or his designee shall consider the degree of hazard based on criteria list in approved plan.

18-312. Approved Backflow Prevention Assemblies and Methods.

A. All backflow prevention assemblies shall be fully approved and listed as acceptable by the State of Tennessee as to manufacture, model, size, application, orientation, and alterations. The assembly must have a status of Passed determined by performance evaluations to suffice as an approved backflow prevention assembly. The method of installation of backflow prevention devices shall comply with installation criteria set forth by this policy/ordinance and the State of Tennessee. Installation shall be at the sole expense of the owner of the owner or occupant of the premises.

B. The type of protective assembly required by this Policy/Ordinance shall depend on the degree of hazard that exists. Reduced Pressure Principle Assemblies (Detector) may be used for health hazards and non-health hazards. Double Check Valve Assemblies (Detector) may only be used for non-health hazards and is limited to Class 1-3 fire systems only.

C. Pressure vacuum breakers, spill-resistant vacuum breakers, and atmospheric vacuum breaker are not allowed for premise isolation and will not satisfy the requirements of this Policy/Ordinance for adequate backflow prevention due in part to the inability to protect against backpressure.

18-313. Backflow Prevention Assembly Installation Requirements. Minimum acceptable criteria for installation of backflow prevention assemblies shall include the following (Include installation criteria listed in approved plan):

A. All backflow prevention assemblies shall be installed at minimum in the approved orientation as indicated by the latest Approved List.

B. All new assemblies installed must be on the Approved Assemblies List maintained by the Division of Water Supply and existing assemblies must have status of approved.

C. Installation of assemblies shall be performed by person granted authority by the Norris Water Commission. All backflow prevention assemblies installed for fire protection systems must be performed by persons possessing a fire sprinkler contractor license. Evidence of current certifications license must be on file with the Cross-Connection Control Manager/Coordinator before any installation or testing of the devices can be performed.

D. All assemblies shall be installed in accordance with the manufacturer installation instructions and by the State of Tennessee installation guide, from the State Manual or policies on cross-connection control, unless such instructions are in conflict with this policy, in which case the policy/ordinance shall control, and shall possess all test cocks and fittings required for testing the assembly. All test cocks will be fitted with adapters and all fittings shall permit direct connection to test kits used by the department.

E. The entire assembly including test cocks and valves shall be easily accessible for testing and repair and shall meet all confined space requirements of OSHA/TOSHA.

F. Reduced Pressure Backflow Prevention Assemblies shall be located so that the relief valve discharge port is a minimum of twelve (12) inches, plus nominal diameter of the supply line, above the floor surface. The maximum height above the floor surface shall not exceed sixty (60) inches.

G. Clearance of devices from wall surfaces or other obstructions shall be a minimum of six (6) inches; or if a person must enter the enclosure for repair or testing, the minimum distance shall be twenty-four inches.

H. Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive, sticky, greasy, abrasive, or other damaging substance.

I. Devices shall be positioned where discharge from a relief port will not create undesirable conditions. An approved air gap shall separate the relief port from any drainage system. Such air-gap shall not be altered without the specific approval of the department.

J. Devices shall be located in an area free from submergence or flood potential and cannot be placed in a pit.

K. All devices shall be adequately supported to prevent sagging.

L. An approved strainer, fitted with a test cock, shall be installed immediately upstream of all backflow prevention assemblies or shut-off valve, except on fire lines, using only non-corrosive fittings (e.g. brass or bronze) in the device assembly.

M. Gravity drainage is required on all installations. Below ground installations shall not be permitted for Reduced Pressure Principle Assemblies (detectors).

N. Fire hydrants drains shall not be connected to the sanitary sewer, and fire hydrants shall not be installed in such manner that back siphonage or backflow through the drain may occur.

O. Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in fire protection system, the discharge of the pump shall be on the downstream side of any check valve or backflow prevention assembly. Where the supply for the jockey pump is taken from the upstream supply side of the check valve or

backflow prevention assembly, a backflow prevention assembly of the same type(s) required on the main line shall be installed on the supply line.

P. Fixed position, high volume fire pumps shall be equipped with suction limiting control to modulate the pump if the residual line pressure reaches 20 psi. If line pressure drops below 20 psi, the pump will shut off to protect the distribution system. This shut off system must be tested annually for proper operation and report of the test must be sent to the office of Cross-Connection Control.

18-314. Existing Backflow Prevention Assemblies.

A. All presently installed backflow prevention assemblies which were previously acceptable to the State of Tennessee that complies with installation, testing, and maintenance requirements of this policy/ordinance and in the sole discretion of the Cross-Connection Control Manager/Coordinator or designee adequately protect the public water system from backflow and that were approved assemblies for the purpose described herein at the time of installation may be retained in service.

B. Location or space requirements shall not be cause for re-Location or replacement of any backflow prevention assembly that is presently installed in a vertical run of pipe shall be replaced, reinstalled, in an approved manner in a horizontal run of pipe.

C. Wherever an existing assembly is moved from the present location or when the inspector finds that the conditions of the assembly constitutes a health hazard, the unit shall be replaced by the backflow prevention assembly meeting the requirements of this policy/ordinance.

18-315. Assembly Performance Evaluations and Testing.

A. All assemblies used to protect the public water system must be tested every 12 months, In those instances where the Cross-Connection Manager/Coordinator deems the hazard to be great enough, performance evaluation may be required at more frequent intervals.

B. Any assembly not tested within a 12 month period will be deemed not approved and have a status of Failed. The customer will be sent notification of that the assembly is not in compliance with this ordinance or policy.

C. All assemblies must be deemed Passed for each initial and subsequent annual performance evaluations to satisfy as approved backflow prevention assembly.

D. All assemblies will be tested by backflow prevention assembly tester possessing a valid (see definition) Certificate of Competency in Testing and Evaluation Backflow Prevention Assemblies issued by the State of Tennessee.

E. All performance evaluation must be performed with an annually certified test kit.

F. Certifications for test kits are valid for one year after certification is performed. If the test kit is not recertified after one year, it is deemed expired.

G. Test kits must be certified annually and the backflow prevention assembly tester must show proof of certification from manufacturer-approved entities. No performance evaluations will be accepted from a backflow prevention assembly tester with an expired test kit certification.

H. Proof of annual's kit certification and Certificate of Competency must be kept on file for each tester by Norris Water Commission.

I. Backflow Prevention Assembly Testers must test and evaluate according to the latest Division of Water Supply's latest approved procedures for Reduced Pressure Principle Assembly and the Double Check Valve Assembly.

J. If any test does not meet the minimum requirements set forth in the approved testing procedure, the assembly is deemed Failed and does not suffice as an approved backflow prevention device. If conditions around the assembly do not allow the assembly to be tested, the assembly fails the assembly performance evaluation and is marked Failed on test report. (Examples would include assembly is submerged, test cocks missing or plugged, relief valve continually discharging).

K. Backflow Prevention Assemblies are deemed Passed if all parts of the performance evaluation meet the minimum requirements in the approved testing procedure.

L. Each location requiring an assembly will have a documented backflow prevention assembly, if the assembly at the address cannot be identified or is not the same, the water provider will be notified and a determination of which assembly is used for protection of the water system. (All areas that need protection will be listed by address and location along with the serial no, of device).

M. Test reports must be completely and accurately documented and the appropriate evaluation (Passed or Failed) determined from testing procedure. Any test report that is not recorded completely in the sections pertinent to the results of the performance evaluation tests will not be accepted by the Norris Water Commission.

N. All performance evaluations on file will be recorded on a State and Norris Water Commission approved test report.

O. Assemblies must be tested when installed and after every repair. Backflow prevention assemblies on lawn irrigation systems must be tested when assemblies are placed in service after winterization (To prevent testing just prior to winterization). If lawn irrigation backflow assemblies are taken removed to winterize the system, upon startup of the system, the assemblies must be retested.

P. Failure to maintain a backflow prevention assembly that is deemed Passed shall be grounds for discontinuance of water service. The removal, bypassing, or altering of a protective device or installation, without the approval of the Cross-Connection Control Manager/ Coordinator or designee, thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction this ordinance/policy and the Cross-Connection Control Manager/Coordinator or designee.

Q. The Norris Water Commission shall require the occupant of the premises to keep the backflow prevention assembly working properly and a status of Passed. Repairs shall be made by qualified personnel acceptable to the Norris Water Commission within the time limits set forth by this policy. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention assembly in proper working order and a status of Passed shall be grounds for discontinuance of water service.

R. The backflow prevention assembly must be tested after every repair and have a status of Passed to be in compliance with this policy/ordinance.

S. Cross-Connection Control Manager/Coordinator or designee shall have the right to inspect and test any assemblies whenever it is deemed necessary. Water service shall not be disrupted to the assembly without the knowledge of the occupant of the premises.

T. Recommendation and Suggestions.

(1) Provision should be made for fire sprinkler system testing, if third party testing is allowed, no problem, however if the utility or municipality should elect to test all assemblies, a allowance should be given for fire sprinkler contractors to test in accordance to Division of Fire Prevention rigs. Those with fire sprinkler license will also be required to have a Valid Certificate of competency and all other requirements set forth by this policy/ordinance.

U. Any backflow prevention assembly tester found by the Norris Water Commission to be negligent in performing testing procedures or falsifying documentation in regards to a backflow prevention assembly will not be allowed continued approval 10 submit test reports. The Norris Water Commission may allow the backflow prevention assembly tester to perform testing at a later date, at the discretion of the Cross-Connection Control Manager/Coordinator or designee.

V. Backflow prevention assembly testers must have approval from the Norris Water Commission before any test reports are accepted. The Norris Water Commission will issue a copy of the latest approved ordinance/policy from the Norris Water Commission and require the signature of the tester acknowledging requirements and responsibilities before allowance of submittal of test reports.

W. All performance evaluations, tests, and repairs shall be at the expense of the customer and shall be performed by backflow prevention assembly testers that satisfy all requirements of this ordinance/policy.

X. Original records of evaluations and repairs shall be supplied to the Cross-Connection Control Manager/Coordinator or designee for retention.

18-316. Corrections of Violations.

A. Any customer having cross-connections, auxiliary intakes, bypasses, or interconnection(s) in violation of this ordinance/policy shall, after a thorough investigation of existing conditions and an appraisal of the time required, complete the work within the lime designated by the Cross-Connection Control Manager/Coordinator or designee, but in no case shall the time for correction exceed thirty (30) days for High and Low Hazards or fourteen (14) days for High Risk High Hazards.

B. Failure to comply with any order of the Cross-Connection Control Manager/Coordinator or designee within the time set out there in shall result in the termination of water service.

C. Where cross-connections, auxiliary intakes, bypasses, or interconnections are found to constitute a high risk high hazard, the Norris Water Commission, the Cross-Connection Control Manager/Coordinator or designee shall require prompt corrective action (within 14 days) to be taken to eliminate the threat. Expeditious steps shall be taken to disconnect the public water system from the customer's piping systems unless the extreme hazard is corrected immediately.

D. Failure to correct conditions threatening the safety of the public water system as prohibited by this ordinance or *Tennessee Code Annotated* 68-221-711 within the time limits set by the Cross-Connection Control Manager/Coordinator or designee or this ordinance/policy, shall be cause for denial or termination of water service. If proper protection is not provided after times set forth in this policy/ordinance, the Cross-Connection Control Manager/Coordinator or designee shall give the customer written notification that water service is to be discontinued, and thereafter physically separate the public water system from the customer's system in such a manner that the two systems cannot be connected by an unauthorized person.

E. Length of time for correction of violations for failed or nonexistent protection on extreme high hazard and high hazard and the letters sent- shall be no more than 30 days.

F. In the event that a backflow prevention assembly is deemed Failed (Initial or Annual Performance Evaluation), failure to install backflow prevention assemblies as requested by the Norris Water Commission, or there are deficiencies in the installation from failure to conform to the installation criteria specified in this ordinance, or from deterioration, then the Cross-Connection Control Manager/Coordinator or designee will typically issue a written notice of failure or deficiency within 10 days. The time limit is dependent on risk of contamination and may not be greater than 30 days.

18-317. Non-Potable Supplies.

A. Any water outlet connected to auxiliary water sources, industrial fluid systems, or other piping containing non-potable liquids or gases, which could be used for potable or domestic purposes, shall be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

B. The minimum acceptable sign shall have black letters at least one inch (1") high on red background.

C. Color coding of piping in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the inspector. Such color-coding is necessary to identify and protect the potable water supply.

18-318. Conflicting Provisions. If any provision of this ordinance/policy is found to conflict with any provision of any other ordinance/policy, then the provision of this ordinance shall control. That should any part, or parts of this ordinance/policy be declared invalid for any reason, no other part, or parts, of this ordinance shall be affected thereby.

18-319. Penalties. Any person responsible for a violation of this policy/ordinance may be subject to a civil penalty as allowed by Tennessee State Law. Each day a violation occurs shall constitute a separate offense. In addition to the foregoing fines and penalties, the Cross-Connection Control Manager/Coordinator or designee shall discontinue the public water service at any premises upon connection and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. Independent of and in addition to fines penalties imposed, the Cross-Connection Control Manager/Coordinator may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary

intake, bypass, or interconnection; and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been eliminated. Damages to Norris Water Commission facilities shall result in additional Civil Action(s) as allowed by Tennessee State Law.

18-320. Effective Date. This code shall take effect from and after its passage and publication as the law directs, the public welfare requiring it.

18-321. Responsibility for Water System.

A. Notwithstanding any provisions of a plumbing code adopted by units of local government having jurisdiction, the Cross-Connection Control Manager/Coordinator or designee shall be responsible for protecting the water system from contamination or pollution due to implementation and enforcement of this policy. Such authority shall extend beyond service connection to whatever extent is necessary to meet the requirements of this policy/ordinance.

B. The authority to terminate water service for violation of any provision of this policy/ordinance shall rest solely with the Cross-Connection Control Coordinator/Manager, the assistant or designee shall have authority to take action to protect public health and safety.

C. This section shall not be construed to prevent other officers or employees of the Norris Water Commission from terminating water service for failure to pay for water service, or for violation any other provision of the Water System policy/ordinance.

18-322. Inspection and Testing Fees.

A. Fees for initial or annual certification of a backflow prevention assembly may be published by the Norris City Council, based on the recommendation of the Norris Water Commission to reflect the cost of processing such certification.

B. In the event that a backflow prevention assembly is deemed Failed after the Initial and Annual Performance Evaluations, or there are deficiencies in the installation either from failure to conform to the installation criteria specified in this ordinance/policy, or from deterioration, then the Cross-Connection Control Manager/Coordinator or designee shall issue a written notice of failure or deficiency.

The Cross-Connection Control Manager/Coordinator may waive any fees and/or cost that should be appropriately relieved.

18-323. Thermal Expansion Control. A device for the control of thermal expansion shall be installed on the customer's water system where the thermal expansion of the water in the system will cause the water pressure to exceed the pressure setting of the pressure relief valve of the water heater. The thermal expansion device shall control the water pressure to prevent the pressure relief valve of the water heater from discharging. (Perhaps mention closed systems on residential areas about discharging water heaters at minimum.)

18-324. Water Heater Temperature-Pressure Relief Valves. All storage water heaters operation above atmospheric pressure shall be provided with an approved, self-

closing (levered) pressure relief and temperature valve or combination thereof, except for nonstorage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in hot water outlet, provided the thermo-bulb extends into the shell of the tank.

Temperature relief valves shall be so located in the tank as to be actuated by water in the top 1/8 of the tank served.

For installations with separate storage tank, said valve shall be installed on the tank and there shall not be any type of valve installed between the water heater and the storage tank. There shall not be a check valve or shut off valve between a relief valve and the heater or tank which it serves. The relief valve shall not be used as a means of controlling thermal expansion.

18-325. Safety Standards-Duplicate Equipment in Parallel Required. Where the use of water is critical to the continuation 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 a backflow prevention assembly. Until such time as a parallel unit has been installed where the continuance of service is critical, the Cross-Connection Control Manager/Coordinator or designee shall notify the occupant of the premises, in writing, of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the assembly.

CHAPTER 4

GENERAL WASTEWATER REGULATIONS

SECTION

18-401. Purpose and policy

18-402. Administrative

18-403. Definitions.

18-404. Proper waste disposal required.

18-405. Private domestic wastewater disposal

18-406. Connection to public sewers

18-407. Septic tank effluent pump or grinder pump wastewater systems

18-408. Regulation of holding tank waste disposal or trucked in waste.

18-409. Discharge regulations

18-410. Enforcement and abatement

18-401. Purpose and policy. This chapter sets forth uniform requirements for users of the City of Norris, Tennessee, wastewater treatment system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are to establish uniform requirements:

- (1) To protect public health;
- (2) To prevent the introduction of pollutants into the municipal wastewater treatment facility, which will interfere with the system operation;
- (3) To prevent the introduction of pollutants into the wastewater treatment facility that will pass through the facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- (5) To promote reuse and recycling of industrial wastewater and sludge from the facility;
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the facility; and
- (7) To enable the Norris Water Commission to comply with its National Pollution Discharge Elimination System (NPDES) Permit conditions, sludge and biosolid use and disposal requirement, and any other Federal or State industrial pretreatment rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the city of Norris must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system.

This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the wastewater treatment facility. Chapter 4 provides for the issuance of permits to system users, for monitoring, compliance, and enforcement activities; establishes administrative review procedures for industrial users or other users whose discharge can interfere with

or cause violations to occur at the wastewater treatment facility. Chapter 4 details permitting requirements including the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

18-402. Administrative. Except as otherwise provided herein, the local administrative officer of the Norris Water Commission shall administer, implement, and enforce the provisions of this chapter.

18-403. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (1) "Administrator." The Administrator of the United States Environmental Protection Agency.
- (2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended and found in 33 U.S.C. § 1251, et seq.
- (3) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control.
- (4) "Authorized or Duly Authorized Representative" of industrial user:
 - (a) If the user is a corporation:
 - (i) The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the user is a federal, state, or local governmental agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee.
 - (d) The individual described in paragraphs (a)-(c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the Norris Water Commission.

(5) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the discharge regulations listed in Section 18-409 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.

(8) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard as found in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(9) "City." The city council of the City of Norris, Tennessee.

(10) "Commissioner." The commissioner of Tennessee environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Composite sample." A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

(13) "Control authority." The term "control authority" refers to the "approval authority," defined herein above; or the local hearing authority if the city has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

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

(15) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(16) "Daily Maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day. The daily maximum for pH is the highest value tested during a 24-hour calendar day.

(17) "Daily Maximum Limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where the limit is expressed in units of mass, the limit is the maximum amount of total mass of the pollutant that can be discharged during the calendar day. Where the limit is expressed in concentration, it is the arithmetic average of all concentration measurements taken during the calendar day.

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

(19) “Domestic wastewater.” Wastewater that is generated by a single family home, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

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

(21) “Garbage.” Solid wastes generated from any domestic, commercial or industrial source.

(22) “Grab sample.” A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

(23) “Grease interceptor.” An interceptor whose rated flow is 50 g.p.m. (gallons per minute) or less.

(24) “Grease trap.” An interceptor whose rated flow is 50 g.p.m. or more.

(25) “Holding tank waste.” Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(26) “Incompatible pollutant.” Any pollutant which is not a "compatible pollutant" as defined in this section.

(27) “Indirect discharge.” The introduction of pollutants into the WWF from any source.

(28) “Industrial user.” A source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act (33 U.S.C. §1342).

(29) “Industrial wastes.” Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

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

(31) “Interceptor.” A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

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

(33) "Local administrative officer." The chief administrative officer of the local hearing authority.

(34) "Local hearing authority." The Norris Water Commission, as appointed by city council to administer and enforce the provisions of this chapter and conduct hearings pursuant to Section 18-405.

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

(36) "NAICS" or "North American Industrial Classification System." A system of industrial classification jointly agreed upon by Canada, Mexico and the United States. It replaces the Standard Industrial Classification (SIC) System.

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

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

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

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

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

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

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

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

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

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph

(38) “NPDES” or “National Pollution Discharge Elimination System.” The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Clean Water Act as amended.

(39) “Pass-through.” A discharge which exits the Wastewater Facility (WWF) into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF’s NPDES permit including an increase in the magnitude or duration of a violation.

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

(41) “pH.” The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. pH minimums and maximums are determined by the State of Tennessee issued NPDES permit.

(42) “Pollution.” The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

(43) “Pollutant.” Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

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

(45) “Pretreatment coordinator.” The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

(46) “Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(47) “Pretreatment standards” or “standards.” A prohibited discharge standard, categorical pretreatment standard and local limit.

(48) “Publicly owned treatment works” or “POTW.” A treatment works as defined by Section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number 63, below.

(49) “Shall” is mandatory; “May” is permissive.

(50) “Significant industrial user.” The term significant industrial user means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWF (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(51) “Significant noncompliance.” Per 1200-4-14-.08(6)(b)8.

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(c) Any other violation of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF 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 WWF's exercise of its emergency authority under Section 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or

enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 45 days after their 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 may include a violation of Best Management Practices, which the WWF determines will adversely affect the operation or implementation of the local pretreatment program.

(i) Continuously monitored pH violations that exceed limits for a time period greater than 50 minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(52) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or Permit conditions.

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

(54) "State." The state of Tennessee.

(55) "Storm sewer" or "storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

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

(57) "Superintendent." The local administrative officer or person designated by the officer to supervise the operation of the publicly owned treatment works; and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(58) "Surcharge." An additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a Monthly Average or Daily Maximum limit will not result in enforcement action.

(59) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids.

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

(61) "Twenty four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(62) “User.” The owner, tenant or occupant of any lot or parcel of land connected to a sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, *Tennessee Code Annotated*, § 68-221-201.

(63) “Wastewater.” The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

(64) “Wastewater Facility.” Any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

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

(65) “1200-4-14.” Chapter 1200-4-14 of the Rules and Regulations of the State of Tennessee, Pretreatment Requirements.

18-404. Proper waste disposal required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance or city or state regulations.

(3) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage except for new homes built in 2011 with temporary (12 month) commission-approved supplementary gray water systems that have been approved by TDEC for experimental use.

(4) Except as provided in (6) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter except for new homes built in 2011 with temporary (12 month from issuance of Certificate of Occupancy) commission-approved supplementary gray water systems that have been approved by TDEC for experimental use. Where public sewer is available property owners shall within sixty (60) days after

date of official notice to do so, connect to the public sewer. Service is considered “available” when a public sewer main is located in an easement, right-of-way, road or public access way which abuts the property.

(5) Discharging into the sanitary sewer without permission of the city is strictly prohibited and is deemed “theft of service.”

(6) Where a public sanitary sewer is not available under the provisions of (4) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 18-405 of this ordinance.

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

(8) Users have a duty to comply with the provisions of this ordinance in order for the city to fulfill the stated Policy and Purpose. Significant Industrial Users must comply with the provisions of this ordinance and applicable state and federal rules according to the nature of the industrial discharge.

18-405. Private domestic wastewater disposal. (1) Availability. (a) Where a public sanitary sewer is not available under the provisions of Section 18-404(4), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so except for new homes built in 2011 with temporary (12 month from issuance of Certificate of Occupancy) commission-approved supplementary gray water systems that have been approved by TDEC for experimental use.

(2) Requirements. (a) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the County Health Department. The application for such approval shall be made on a form furnished by the County Health Department which the applicant shall supplement with any plans or specifications that the Department has requested.

(b) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.

(c) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the County Health Department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(d) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

18-406. Connection to public sewers. (1) Application for Service.

(a) There shall be two (2) classifications of service;

(1) Residential and commercial service, and

(2) Service to industrial and other nonresidential establishments.

In either case, the owner or his agent shall make application for connection on a form furnished by the Norris Water Commission. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Service Connection Fees for establishing new sewer service are paid to the Norris Water Commission. Industrial User Discharge Permit Fees may also apply. The receipt by the Norris Water Commission of a prospective customer's application for connection shall not obligate the Norris Water Commission to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Norris Water Commission's rules and regulations and general practice, or state and federal requirement, the connection charge will be refunded in full, and there shall be no liability of the Norris Water Commission to the applicant for such service.

(b) Users shall notify the Norris Water Commission of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The Norris Water Commission may deny or limit this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts (except for new homes built in 2011 with temporary (12 month from issuance of Certificate of Occupancy) commission-approved supplementary gray water systems that have been approved by TDEC for experimental use), sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective day of this ordinance. The owners of any building sewer having such connections, leaks or defects shall bear the costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

(3) Physical connection to public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The Norris Water Commission or its approved contractors shall

make all connections to the public sewer upon the property owner first submitting a connection application to the Norris Water Commission.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A service connection fee shall be paid to the Norris Water Commission at the time the application is filed.

The Norris Water Commission will install a sewer tap and stub out for a fee as described in the Schedule of Charges Fee Ordinance. The applicant is responsible for excavation and installation of the building sewer which is located on private property. The Norris Water Commission will inspect the installation prior to backfilling for a fee as described in the Schedule of Charges Fee Ordinance.

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

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where property is subdivided and buildings use a common building sewer but are located on separate properties, the building sewers must be separated within 60 days.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

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

(i) The minimum size of a building sewer shall be as follows:
Conventional sewer system Four inches (4").

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

(iii) Building sewers shall be laid on the following grades:
Four-inch (4") sewers 1/8 inch per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Building sewers shall be installed in uniform alignment at uniform slopes.

(v) Building sewers shall be constructed only of polyvinylchloride pipe Schedule 40 or better. Joints shall be solvent welded or compression gaskets designed for the type of pipe used. No other joints shall be acceptable.

(vi) Cleanouts shall be provided to allow cleaning in the direction of flow. A cleanout shall be located five (5) feet outside of the

building, as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed and protected from damage. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner.

(vii) Connections of building sewers to the public sewer system shall be made only by the Norris Water Commission and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the superintendent. Bedding must support pipe to prevent damage or sagging. All such connections shall be made gastight and watertight.

(viii) 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 pump system according to Section 18-407 and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications by the ASTM. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(x) An installed building sewer shall be gastight and watertight.

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

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer, except for new homes built in 2011 with temporary (12 month from issuance of Certificate of Occupancy) commission-approved supplementary

gray water systems that have been approved by TDEC for experimental use (h)
Inspection of connections.

(i) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the superintendent or his authorized representative.

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

(4) Maintenance of building sewers. (a) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the Norris Water Commission. Owners failing to maintain or repair building sewers or who allow storm water or ground water to enter the sanitary sewer may face enforcement action by the superintendent up to and including discontinuation of water and sewer service.

(b) The Norris Water Commission may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(5) Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the Norris Water Commission. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works, located at <http://www.state.tn.us/environment/wpc/publications/>. Contractors must provide the superintendent or manager with as-built drawing and documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one-year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the Norris Water Commission. Failure to construct or repair lines to acceptable standards could result in denial or discontinuation of sewer service.

18-407. Septic tank effluent pump or grinder pump wastewater systems.

When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or Grinder Pump (GP) systems may be installed subject to the regulations of the Norris Water Commission.

(1) Equipment requirements. (a) Septic tanks shall be of water tight construction and must be approved by the Norris Water Commission.

(b) Pumps must be approved by the Norris Water Commission and shall be maintained by the property owner on single lot development. Multi-lot

development may require the installation of a STEP or GP system to service multiple lots. Such systems shall be installed at the expense of the developer and the Norris Water Commission may elect to maintain such systems.

(2) Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the Norris Water Commission. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.

(3) Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the city and connection will be made to the city sewer only after inspection and approval of the Norris Water Commission.

(4) Ownership and easements. Homeowners or developers shall provide the city with ownership of the equipment and an easement for access to perform necessary maintenance or repair when and if the Norris Water Commission has accepted ownership of such systems. Access by the city to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.

(5) Use of STEP and GP systems. (a) Home or business owners shall follow the STEP and GP users guide provided by the superintendent.

(b) Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.

(c) Home or business owners shall be responsible for maintenance of drain lines from the building to the STEP and GP tank, and onward to the city sewer connection.

(d) Prohibited uses of the STEP and GP system.

(i) Connection of roof guttering, sump pumps or surface drains.

(ii) Disposal of toxic household substances.

(iii) Use of garbage grinders or disposers.

(iv) Discharge of pet hair, lint, or home vacuum water.

(v) Discharge of fats, grease, and oil.

(6) Tank cleaning. Solids removal from the septic tank shall be the responsibility of the owner.

18-408. Regulation of holding tank waste disposal or trucked in waste. (1) No person, firm, association or corporation shall haul in or truck in to the WWF any type of domestic, commercial or industrial waste unless such person, firm, association, or corporation obtains a written approval from the Norris Water Commission to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service

charge to the Norris Water Commission to be set as specified in the schedule of charges established in the fee schedule ordinance adopted by city council.

Any such permit granted shall be for a specified period of time, and shall continue in full force and effect from the time issued until the expiration date, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted in 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his discretion where it appears that the waste could interfere with the operation of the WWF.

(4) Revocation of permit. Failure to comply with all the provisions of the permit or this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Norris Water Commission.

(5) Trucked in waste. This part includes waste from trucks, railcars, barges, etc., or temporally pumped waste, all of which are prohibited without a permit issued by the superintendent. This approval may require testing, flow monitoring and record keeping.

18-409. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the WWF. These general prohibitions apply to all such users of a WWF whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may result in the issuance of an industrial pretreatment permit, surcharges, discontinuance of water and/or sewer service and other fines and provisions of Section 18-310 or 18-410. A user may not contribute the following substances to any WWF:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, wastestreams with a closed cup flash point of less than 1400 F or 600 C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates,

bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

(d) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the WWF.

(e) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds 40°C (104° F) unless approved by the State of Tennessee.

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

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.

(h) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(i) Any trucked or hauled pollutants except at discharge points designated by the WWF.

(j) Any substance which may cause the WWF's effluent or any other product of the WWF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWF cause the WWF to be in non compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(k) Any substances which will cause the WWF to violate its NPDES Permit or the receiving water quality standards.

(l) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(m) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

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

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

(p) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

(q) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.

(r) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

(s) Any stormwater, surface water, groundwater, roof runoff (except for new homes built in 2011 with temporary (12 month from issuance of Certificate of Occupancy) commission-approved supplementary gray water systems that have been approved by TDEC for experimental use), subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(2) Local Limits. In addition to the general and specific prohibitions listed in this section, users permitted according to Chapter 4 may be subject to numeric and best management practices as additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving waters from pass through contamination.

(3) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table A Plant Protection Criteria, unless specifically allowed by their discharge permit according to Chapter 4 of this ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A Plant Protection Criteria
(To Be Determined as needed)

Parameter	Maximum Concentration (mg/l)
Arsenic	

Benzene	
Cadmium	
Carbon Tetrachloride	
Chloroform	
Chromium (total)	
Copper	
Cyanide	
Ethybenzene	
Lead	
Mercury	
Methylene chloride	
Molybdenum	
Naphthalene	
Nickel	
Phenol	
Selenium	
Silver	
Tetrachloroethylene	
Toluene	
Total Phthalate	
Trichlorethlene	
1,1,1-Trichloroethane	
1,2 Transdichloroethylene	
Zinc	

(4) Fats, oils and grease traps and interceptors.

(a) Fat, Oil, and Grease (FOG), waste food, and sand interceptors.

FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such interceptors shall not be required for single-family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Fat, oil, grease, and food waste. (i) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(ii) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, funeral homes, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the

superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

(iii) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(A) Implement the plan within a reasonable amount of time;

(B) Service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids 1/2 inch or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the Norris Water Commission is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the Norris Water Commission. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the Norris Water Commission has under this chapter, or state or federal law. The Norris Water Commission retains the right to inspect and approve installation of control equipment.

(f) Solvents Prohibited. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the city is prohibited.

(g) The superintendent may use industrial wastewater discharge permits under 18-502 to regulate the discharge of fat, oil and grease.

18-410. Enforcement and abatement. Violators of these Wastewater Regulations may be cited to city court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the Norris Water Commission may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health including the issuance of discharge permits according to Chapter 5. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The Norris Water Commission may take any or all the following remedies:

(1) Cite the user to city or general sessions court, where each ~~day~~ 24 hours of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

CHAPTER 5

INDUSTRIAL/COMMERCIAL WASTEWATER REGULATIONS

SECTION

- 18-501. Industrial pretreatment.
- 18-502. Discharge permits.
- 18-503. Industrial user additional requirements.
- 18-504. Reporting requirements.
- 18-505. Enforcement response plan.
- 18-506. Enforcement response guide table.
- 18-507. Fees and billing.
- 18-508. Validity.

18-501. Industrial pretreatment. In order to comply with Federal Industrial Pretreatment Rules 40 CFR 403 and Tennessee Pretreatment Rules 1200-4-14 and to fulfill the Purpose and Policy of this ordinance the following regulations are adopted.

- (1) User discharge restrictions. All system users must follow the General and Specific discharge regulations specified in Section 109 of this ordinance.
- (2) Users wishing to discharge pollutants at higher concentrations than Table A Plant Protection Criteria of Section 109, or those dischargers who are classified as Significant Industrial Users will be required to meet the requirements of this Chapter. Users who discharge waste which falls under the criteria specified in this Chapter and who fail to or refuse to follow the provisions shall face termination of service and/or enforcement action specified in Section 205.
- (3) Discharge regulation. Discharges to the sewer system shall be regulated through use of a permitting system. The permitting system may include any or all of the following activities: completion of survey/application forms, issuance of permits, oversight of users monitoring and permit compliance, use of compliance schedules, inspections of industrial processes, wastewater processing, and chemical storage, public notice of permit system changes and public notice of users found in significant noncompliance.
- (4) Discharge Permits shall limit concentrations of discharge pollutants to those levels that are established as Local Limits, Table B or other applicable State and Federal pretreatment rules which may be in effect or take effect after the passage of this ordinance.

Table B – Local Limits
(To Be Determined as needed)

Pollutant	Monthly Average* Maximum Concentration (mg/l)	Daily Maximum Concentration (mg/l)
Arsenic		
Benzene		
Cadmium		
Carbon Tetrachloride		
Chloroform		
Chromium (total)		

Copper		
Cyanide		
Ethybenzene		
Lead		
Mercury		
Methylene chloride		
Molybdenum		
Napthalene		
Nickel		
Phenol		
Selenium		
Silver		
Tetrachloroethylene		
Toluene		
Total Phthalate		
Trichlorethlene		
1,1,1-Trichoroethane		
1,2 Transdichloroethylene		
Zinc		

*Based on 24-hour flow proportional composite samples unless specified otherwise.

(5) Surcharge limits and maximum concentrations. Dischargers of high strength waste may be subject to surcharges based on the following surcharge limits. Maximum concentrations may also be established for some users.

Table C-Surcharge and Maximum Limits
(To Be Determined as needed)

Parameter	Surcharge Limit	Maximum Concentration
Total Kjeldahl Nitrogen (TKN)		
Oil & Grease		
MBAS		
BOD		
COD		
Suspended Solids		

(6) Protection of treatment plant influent. The pretreatment coordinator shall monitor the treatment works influent for each parameter in Table A Plant Protection Criteria. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the WWF reaches or exceeds the levels established by Table A or subsequent criteria calculated as a result of changes in pass through limits issued by the Tennessee Department of Environment and Conservation, the pretreatment coordinator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to,

recommending the establishment of new or revised local limits, best management practices, or other criteria used to protect the WWF. The pretreatment coordinator shall also recommend changes to any of these criteria in the event that: the WWF effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the WWF.

(7) User inventory. The superintendent will maintain an up-to-date inventory of users whose waste does or may fall into the requirements of this Chapter, and will notify the users of their status.

(8) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the pretreatment coordinator from establishing specific wastewater discharge criteria which are more restrictive when wastes are determined to be harmful or destructive to the facilities of the WWF or to create a public nuisance, or to cause the discharge of the WWF to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the WWF resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(9) Combined wastestream formula. When wastewater subject to categorical Pretreatment Standards is mixed with wastewater not regulated by the same Standard, the permitting authority may impose an alternate limit using the combined wastestream formula.

18-502. Discharge permits. (1) Application for discharge of commercial or industrial wastewater. All users or prospective users which generate commercial or industrial wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. It may be determined through the application that a user needs a discharge permit according to the provisions of federal and state laws and regulations. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service or where there is a planned change in the industrial or wastewater treatment process. Connection to the city sewer or changes in the industrial process or wastewater treatment process shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with section 106 of this ordinance and an inspection has been performed by the superintendent or his representative.

The receipt by the Norris Water Commission of a prospective customer's application for connection shall not obligate the Norris Water Commission to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the Norris Water Commission's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the Norris Water Commission to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the WWF shall apply for service and apply for a discharge permit before connecting to or contributing to the WWF. All existing industrial users connected to or contributing to the WWF may be required to apply for a permit within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required by the superintendent to obtain a wastewater discharge permit shall complete and file with the pretreatment coordinator, an application on a prescribed form accompanied by the appropriate fee.

(ii) The application shall be in the prescribed form of the Norris Water Commission and shall include, but not be limited to the following information: name, address, and SIC/NAICS number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in Section 109 and 201 discharge variations: daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the pretreatment coordinator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the pretreatment coordinator for approval. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by this chapter

(v) The Norris Water Commission will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Norris Water Commission may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the Norris Water Commission of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the Norris Water Commission's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the Norris Water Commission to the applicant of such service.

(vii) The pretreatment coordinator will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the pretreatment coordinator that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty

(30) days or within such extended period as allowed by the local administrative officer, the local administrative officer shall deny the application and notify the applicant in writing of such action.

(viii) Applications shall be signed by the duly authorized representative.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Permits shall contain the following:

(A) Statement of duration;

(B) Provisions of transfer;

(C) Effluent limits, including best management practices, based on applicable pretreatment standards in this Chapter, State Rules, categorical pretreatment standards, local, state, and federal laws.

(D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

(E) Statement of applicable civil and criminal penalties for violations of pretreatment standards and the requirements of any applicable compliance schedule. Such schedules shall not extend the compliance date beyond the applicable federal deadlines;

(F) Requirements to control slug discharges, if determined by the WWF to be necessary;

(G) Requirement to notify the WWF immediately if changes in the users processes affect the potential for a slug discharge.

(ii) Additionally, permits may contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

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

(C) Compliance schedules;

(D) Requirements for submission of technical reports or discharge reports;

(E) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(F) Requirements for notification of the Norris Water Commission sixty (60) days prior to implementing any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, and of any changes in industrial processes that would affect wastewater quality or quantity;

(G) Prohibition of bypassing pretreatment or pretreatment equipment;

(H) Effluent mass loading restrictions;

(I) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modification. The terms and conditions of the permit may be subject to modification by the pretreatment coordinator during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 60 days prior to the effective date of change. Except in the case where federal deadlines are shorter, in which case the federal rule must be followed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the Local Administrative Officer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The permit holder must provide the new owner with a copy of the current permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in:

(A) Any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(B) Strength, volume, or timing of discharges;

(C) Addition or change in process lines generating wastewater.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

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

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the

person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the pretreatment coordinator as confidential shall not be transmitted to any governmental agency or to the general public by the pretreatment coordinator until and unless prior and adequate notification is given to the user.

18-503. Industrial user additional requirements. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the pretreatment coordinator. When in the judgment of the pretreatment coordinator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the pretreatment coordinator may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the pretreatment coordinator, it shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The pretreatment coordinator may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right of way with the approval of the public agency having jurisdiction of that right of way and located so that it will not be obstructed by landscaping or parked vehicles.

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

(2) Sample methods. All samples collected and analyzed pursuant to this regulation shall be conducted using protocols (including appropriate preservation) specified in the current edition of 40 CFR 136 and appropriate EPA guidance. Multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: For cyanide, total phenol, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(3) Representative sampling and housekeeping. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measuring facilities shall be properly operated, kept clean, and in good working order at all times. The failure of the User to keep its monitoring facilities in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(4) Proper operation and maintenance. The user shall at all times properly operate and maintain the equipment and facilities associated with spill control, wastewater collection, treatment, sampling and discharge. Proper operation and maintenance includes adequate process control as well as adequate testing and monitoring quality assurance.

(5) Inspection and sampling. The Norris Water Commission may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is

created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of its duties. The Norris Water Commission, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The Norris Water Commission will utilize qualified Norris Water Commission personnel or a private laboratory to conduct compliance monitoring. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Norris Water Commission, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility.

(6) Safety. While performing the necessary work on private properties, the pretreatment coordinator or duly authorized employees of the Norris Water Commission shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Norris Water Commission employees and the Norris Water Commission shall indemnify the company against loss or damage to its property by Norris Water Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) New sources. New sources of discharges to the WWF shall have in full operation all pollution control equipment at start up of the industrial process and be in full compliance of effluent standards within 90 days of start up of the industrial process.

(8) Slug discharge evaluations. Evaluations will be conducted of each significant industrial user according to the state and federal regulations. Where it is determined that a slug discharge control plan is needed, the user shall prepare that plan according to the appropriate regulatory guidance

(9) Accidental discharges or slug discharges. (a) Protection from accidental or slug discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental or slug discharge into the WWF of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the pretreatment coordinator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge or slug discharge. Any person causing or suffering from any accidental discharge or slug discharge shall immediately notify the pretreatment coordinator in person, or by the telephone to enable countermeasures to be taken by the pretreatment coordinator to minimize damage to the WWF, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the WWF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

18-504. Reporting requirements. Users, whether permitted or non-permitted may be required to submit reports detailing the nature and characteristics of their discharges according to the following subsections. Failure to make a requested report in the specified time is a violation subject to enforcement actions under Section 205.

(1) Baseline monitoring report. (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical Standard, shall submit to the superintendent a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(i) Identifying Information. The user name, address of the facility including the name of operators and owners.

(ii) Permit Information. A listing of any environmental control permits held by or for the facility.

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

(iv) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.

(v) Measurement of pollutants.

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

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

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

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136 and amendments, unless otherwise specified in an applicable categorical standard. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the superintendent or the applicable standards to determine compliance with the standard.

(E) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(F) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula to evaluate compliance with the pretreatment standards

(G) Sampling and analysis shall be performed in accordance with 40 CFR 136 or other approved methods;

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

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

(c) Compliance certification. A statement, reviewed by the user's duly authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the

applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 204(2) of this ordinance.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 204(14) of this ordinance and signed by the duly authorized representative.

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by section 204(1)(d) of this ordinance:

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

(b) No increment referred to above shall exceed nine (9) months,

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

(d) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(3) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the superintendent a report containing the information described in section 204(1)(b)(iv) and (v) of this ordinance. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 14 of this section. All sampling will be done in conformance with subsection 11.

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the Superintendent submit no less than twice per year (April 10 and October 10) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with this ordinance.

(c) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(d) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the superintendent, using the procedures prescribed in subsection 11 of this section, the results of this monitoring shall be included in the report

(5) Reports of changed conditions. Each user must notify the superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

(a) The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 201 of this chapter.

(b) The superintendent may issue an individual wastewater discharge permit under section 202 of this chapter or modify an existing wastewater discharge permit under section 202 of this chapter in response to changed conditions or anticipated changed conditions.

(6) Report of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

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

(7) Reports from unpermitted users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require to determine users status as non-permitted.

(8) Notice of violations/repeat sampling and reporting. Where a violation has occurred, another sample shall be conducted within 30 days of becoming aware of the violation, either a repeat sample or a regularly scheduled sample that falls within the required time frame. If sampling performed by a user indicates a violation, the user must notify the superintendent within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the Norris Water Commission performs sampling at the user's facility at least once a month, or if the Norris Water Commission performs sampling at the user's facility between the

time when the initial sampling was conducted and the time when the user or the Norris Water Commission receives the results of this sampling, or if the Norris Water Commission has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste 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 user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an 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 (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 204(5) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 204(1), 204(3), and 204(4) of this chapter.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) 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 (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) 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 user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the 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.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable federal or state law.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part

136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

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

(a) Except as indicated in sections (b) and (c) below, the user must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Superintendent. Where time proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits

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

(c) For sampling required in support of baseline monitoring and 90 day compliance reports required in Subsections (1) and (3) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by subsection (4) of this section, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, the date of receipt of the report shall govern.

(13) Record keeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under section 202. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or

the city, or where the user has been specifically notified of a longer retention period by the superintendent.

(14) Certification statements. Signature and certification. All reports associated with compliance with the pretreatment program shall be signed by the duly authorized representative and shall have the following certification statement attached:

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

Reports required to have signatures and certification statement include, permit applications, periodic reports, compliance schedules, baseline monitoring, reports of accidental or slug discharges, and any other written report that may be used to determine water quality and compliance with local, state, and federal requirements.

18-505. Enforcement response plan. Under the authority of *Tennessee Code Annotated*, § 69-3-123 et. seq.

(1) Complaints; notification of violation; orders.

(a) (i) Whenever the local administrative officer has reason to believe that a violation of any provision of the Norris Water Commission and the City of Norris Wastewater Regulations, pretreatment program, or of orders of the local hearing authority issued under it has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators.

(ii) The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated and the facts alleged to constitute a violation, may order that necessary corrective action be taken within a reasonable time to be prescribed in the order, and shall inform the violators of the opportunity for a hearing before the local hearing authority.

(iii) Any such order shall become final and not subject to review unless the alleged violators request by written petition a hearing before the local hearing authority as provided in section 205(2), no later than thirty (30) days after the date the order is served; provided, that the local hearing authority may review the final order as provided in *Tennessee Code Annotated*, 69-3-123(a)(3).

(iv) Notification of violation. Notwithstanding the provisions of subsections (i) through (iii), whenever the pretreatment coordinator finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirements, the Norris Water Commission or its agent may serve upon the user a written notice of violation. Within fifteen (15) days of the receipt of this notice, the user shall submit to the pretreatment coordinator an explanation of the violation and a plan for its satisfactory correction and prevention including specific actions. 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. Nothing in this section limits the authority of the Norris Water Commission to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) (i) When the local administrative officer finds that a user has violated or continues to violate this chapter, wastewater discharge permits, any order issued hereunder, or any other pretreatment standard or requirement, he may issue one of the following orders. These orders are not prerequisite to taking any other action against the user.

(A) Compliance order. An order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the specified time, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation.

(B) Cease and desist order. An order to the user directing it to cease all such violations and directing it to immediately comply with all requirements and take needed remedial or preventive action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(C) Consent order. Assurances of voluntary compliance, or other documents establishing an agreement with the user responsible for noncompliance, including specific action to be taken by the user to correct the noncompliance within a time period specified in the order.

(D) Emergency order. (1) Whenever the local administrative officer finds that an emergency exists imperatively requiring immediate action to protect the public health, safety, or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the WWF, the local administrative officer may, without prior notice, issue an order reciting the existence of such an emergency and requiring that any action be taken as the local administrative officer deems necessary to meet the emergency.

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

(ii) Appeals from orders of the local administrative officer.

(A) Any user affected by any order of the local administrative officer in interpreting or implementing the provisions of this chapter may file with the local administrative officer a written request for reconsideration within thirty (30) days of the order, setting forth in detail the facts supporting the user's request for reconsideration.

(B) If the ruling made by the local administrative officer is unsatisfactory to the person requesting reconsideration, he may, within thirty (30) days, file a written petition with the local hearing authority as provided in subsection (2). The local administrative officer's order shall remain in effect during the period of reconsideration.

(c) Except as otherwise expressly provided, any notice, complaint, order, or other instrument issued by or under authority of this section may be served on any named person personally, by the local administrative officer or any person designated by the local administrative officer, or service may be made in accordance with Tennessee statutes authorizing service of process in civil action. Proof of service shall be filed in the office of the local administrative officer.

(2) Hearings.

(a) Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following, under the authority of *Tennessee Code Annotated*, § 69-3-124:

(i) Upon receipt of a written petition from the alleged violator pursuant to this subsection, the local administrative officer shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than sixty (60) days from the receipt of the written petition, unless the local administrative officer and the petitioner agree to a postponement;

(ii) The hearing may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be present at the regular or special meeting to conduct the hearing;

(iii) A verbatim record of the proceedings of the hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made under subdivision (a)(vi). The recorded transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrative officer to cover the costs of preparation;

(iv) In connection with the hearing, the chair shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Anderson County has jurisdiction upon the application of the local hearing authority or the local administrative officer to issue an order requiring the person to appear and testify or produce evidence as the case may require, and any failure to obey an order of the court may be punished by such court as contempt;

(v) Any member of the local hearing authority may administer oaths and examine witnesses;

(vi) On the basis of the evidence produced at the hearing, the local hearing authority shall make findings of fact and conclusions of law and enter decisions and orders that, in its opinion, will best further the purposes of the pretreatment program. It shall provide written notice of its decisions and orders to the alleged violator. The order issued under this subsection shall be issued by the person or persons designated by the chair no later than thirty (30) days following the close of the hearing;

(vii) The decision of the local hearing authority becomes final and binding on all parties unless appealed to the courts as provided in subsection (b).

(viii) Any person to whom an emergency order is directed under 205(1)(b)(i)(D) shall comply immediately, but on petition to the local hearing authority will be afforded a hearing as soon as possible. In no case will the hearing be held later than three (3) days from the receipt of the petition by the local hearing authority.

(b) An appeal may be taken from any final order or other final determination of the local hearing authority by any party who is or may be adversely affected, including the pretreatment agency. Appeal must be made to the chancery court under the common law writ of certiorari set out in *Tennessee Code Annotated*, § 27-8-101, et seq. within sixty (60) days from the date the order or determination is made.

(c) Show cause hearing. Notwithstanding the provisions of subsections (a) or (b), the pretreatment coordinator may order any user that causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirements, to appear before the local administrative officer and 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, the reasons for the action, and a request that the user show cause why the proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. The notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be prerequisite for taking any other action against the user. A show cause hearing may be requested by the discharger prior to revocation of a discharge permit or termination of service.

(3) Violations, Administrative civil penalty. Under the authority of *Tennessee Code Annotated*, § 69-3-125.

(a) (i) Any person including, but not limited to, industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:

- (A) Unauthorized discharge, discharging without a permit;
- (B) Violates an effluent standard or limitation;
- (C) Violates the terms or conditions of a permit;
- (D) Fails to complete a filing requirement;
- (E) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;

- (F) Fails to pay user or cost recovery charges; or
- (G) Violates a final determination or order of the local hearing authority or the local administrative officer.

(ii) Any administrative civil penalty must be assessed in the following manner:

(A) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(B) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(C) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(D) In assessing the civil penalty the local administrative officer may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(3) Cause of the discharge or violation;

(4) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(5) Effectiveness of action taken by the violator to cease the violation;

(6) The technical and economic reasonableness of reducing or eliminating the discharge; and

(7) The economic benefit gained by the violator.

(E) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(iii) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain violations or categories of violations.

(iv) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(b) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of *Tennessee Code Annotated*, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by *Tennessee Code Annotated*, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs.

(4) Assessment for noncompliance with program permits or orders. Under the authority of *Tennessee Code Annotated*, § 69-3-126.

(a) The local administrative officer may assess the liability of any polluter or violator for damages to the city resulting from any person's or industrial user's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or this section.

(b) If an appeal from such assessment is not made to the local hearing authority by the polluter or violator within thirty (30) days of notification of such assessment, the polluter or violator shall be deemed to have consented to the assessment, and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program of this section, in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the local administrative officer may apply to the appropriate court for a judgment, and seek execution on the judgment. The court, in its proceedings, shall treat the failure to appeal the assessment as a confession of judgment in the amount of the assessment.

(5) Judicial proceedings and relief. Under the authority of *Tennessee Code Annotated*, § 69-3-127. The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(6) Termination of discharge. In addition to the revocation of permit provisions in 202(2)(g) of this chapter, users are subject to termination of their wastewater discharge for violations of a wastewater discharge permits, or orders issued hereunder, or for any of the following conditions:

(a) Violation of wastewater discharge permit conditions.

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

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

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

(e) Violation of the pretreatment standards in the general discharge prohibitions in Section 109 of chapter 1.

(f) Failure to properly submit an industrial waste survey when requested by the pretreatment coordination superintendent.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, as provided in subsection (2)(c) above, why the proposed action should not be taken.

(7) Disposition of damage payments and penalties--special fund. All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the pretreatment agency and allocated and appropriated for the administration of its wastewater fund or combined water and wastewater fund.

(8) Levels of non-compliance

(a) Insignificant non-compliance: For the purpose of this guide, insignificant non-compliance is considered a relatively minor infrequent violation of pretreatment standards or requirements. These will usually be responded to informally with a phone call or site visit but may include a Notice of Violation (NOV).

(b) "Significant noncompliance." Per 1200-4-14-.08(6)(b)8.

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for each parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS fats, oils and grease, and 1.2 for all other pollutants except pH). TRC calculations for pH are not required.

(iii) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF 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).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the WWF's exercise of its emergency authority under 205(1)(b)(i)(D), Emergency Order, to halt or prevent such a discharge.

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

(vi) Failure to provide, within 45 days after their due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations, which may include a violation of Best Management Practices, which the WWF determines will adversely affect the operation of implementation of the local pretreatment program.

(ix) Continuously monitored pH violations that exceed limits for a time period greater than 50 minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

Any significant non-compliance violations will be responded to according to the Enforcement Response Plan Guide Table (Appendix A).

(9) Public Notice of the significant violations. The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WWF, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH), TRC calculations for pH are not required;

(c) Any other violation of a pretreatment standard or requirement (daily maximum of longer-term average, instantaneous limit, or narrative standard) that the WWF determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

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

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

(f) Failure to accurately report noncompliance; or

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

(h) Continuously monitored pH violations that exceed limits for a time period greater than 50 minutes or exceed limits by more than 0.5 s.u. more than eight times in four hours.

(10) Criminal Penalties. In addition to civil penalties imposed by the local administrative officer and the State of Tennessee, any person who willfully and negligently violates permit conditions is subject to criminal penalties imposed by the State of Tennessee and the United States.

18-506. Enforcement response guide table.

(1) Purpose. The purpose of this chapter is to provide for the consistent and equitable enforcement of the provisions of this ordinance.

(2) Enforcement Response Guide Table. The applicable officer shall use the schedule found in Appendix A to impose sanctions or penalties for the violation of this ordinance.

18-507. Fees and billing.

(1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees (see Table C);
- (e) Waste Hauler Permit;
- (f) Industrial wastewater discharge permit fees;
- (g) Fees for industrial discharge monitoring; and
- (h) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by §202 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges. The board of mayor and council members shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with §207 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the Norris Water Commission for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(8) Administrative civil penalties. Administrative civil penalties shall be issued according to the following schedule. Violations are categorized in the Enforcement Response

Guide Table (Appendix A). The local administrative officer may assess a penalty within the appropriate range. Penalty assessments are to be assessed per violation per day unless otherwise noted.

Category 1	No penalty
Category 2	\$50.00-\$500.00
Category 3	\$500.00-\$1,000.00
Category 4	\$1,000.00-\$5,000.00
Category 5	\$5,000.00-\$10,000.00

18-508. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the Norris Water Commission.