

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

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

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box, except where located outside of the city's right-of-way.

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

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1978 Code, § 13-102, modified)

**18-103. Obtaining service.** A formal application for either original or additional service must be made to and approved by the city before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103, modified)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1978 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1978 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay all applicable fees and charges in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fees and charges consult the schedule of fees on file with the city recorder. (1978 Code, § 13-106, modified)

**18-107. Main extensions to developed areas.** The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. (1978 Code, § 13-107, modified)

**18-108. Main extensions to other areas.** The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling

structure and no farther than 600 feet from the most distant part of any commercial, industrial or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by city forces or by other forces working directly under the supervision of the city.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the city shall repay to the person or persons paying the cost of such a water main extension, for a period of five years, but no longer, from the date of completion of said extension the sum of \$50.00 for each connection that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided also, that before making any such payment the city shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the city, but not to exceed three years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1978 Code, § 13-108)

**18-109. Variances from and effect of preceding rules as to extensions.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by the board.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-109)

**18-110. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other

device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1978 Code, § 13-110)

**18-111. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

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

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	(See schedule of fees on file with the city recorder)
1-1/2", 2"	
3"	
4"	
6" and over	

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1978 Code, § 13-111, modified)

**18-112. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city. (1978 Code, § 13-113)

**18-113. Billing.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

A penalty of five percent (5%) shall be added to any bill not paid on or before the "PAY GROSS AFTER" date. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

A customer's service may be discontinued without notice if his bill is not paid on or before seven (7) days after the "PAY GROSS AFTER" date. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the bill due date fall on Sunday or a holiday, the business day next following that date will be the last day to pay without the penalty. A remittance received by mail after the time limit for payment without the penalty will be accepted by the city if the envelope is date-stamped, on or before the "PAY GROSS AFTER" date.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water or any other service is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1978 Code, § 13-114, modified)

**18-114. Discontinuance or refusal of service.** The city shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1978 Code, § 13-115)

**18-115. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of fifteen dollars (\$15.00) shall be collected by the city before service is restored. (1978 Code, § 13-116, modified)

**18-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the

following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-117)

**18-117. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1978 Code, § 13-118)

**18-118. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1978 Code, § 13-119)

**18-119. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, 13-120)

**18-120. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1978 Code, § 13-121)

**18-121. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the city. (1978 Code, § 13-122)

**18-122. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1978 Code, § 13-123)

**18-123. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1978 Code, § 13-124)

**18-124. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1978 Code, § 13-125)

**18-125. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.

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

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.



Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-126)

**18-126. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1978 Code, § 13-127)

**18-127. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-128)

**18-128. Schedule of rates.** Monthly fees and charges to be charged by and paid to the city for water furnished and made available by the city shall be in accordance with the usual and customary fees and charges as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fees and charges consult the schedule of fees on file with the city recorder. (1978 Code, § 13-112, modified)

**18-129. Fluoridation of water.** The public water supply of the city shall be fluoridated by the addition of one part of fluorine per million parts of water so that the fluoride content of the water shall be 1.0 ppm. and shall in no event exceed 1.5 ppm.

The superintendent of the water department shall prepare all necessary plans and take all necessary steps to obtain the approval of the Tennessee Department of Health for the fluoridation of the public water supply. (1978 Code, § 13-129)

**18-130. Injury or destruction of water system and unauthorized connections.** It is unlawful for any person to injure or destroy any of the pipes, fixtures or other property comprising of the city's water system, or to turn on water, or to make any connection with the pipes, or other fixtures after the same

has been shut off, stopped, or disconnected by the city's water department. (as added by Ord. #BB-508, Nov. 1999)

**18-131. Penalty for violations.** Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such provision shall be unpunishable by a fine up to the maximum amount set forth in the penalty clause of this municipal code; and each prohibited or unlawful act shall constitute a separate violation. Notwithstanding the foregoing, the imposition of such fines shall not prevent the city's institution of other punitive or remedial action where called for or permitted under any other provision of the municipal code or such other applicable law. (as added by Ord. #BB-508, Nov. 1999)

## CHAPTER 2

### SEWERS

#### SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Extension policies.

**18-201. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1978 Code, § 13-201)

**18-202. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the city. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1978 Code, § 13-202, modified)

**18-203. Connection fee.** No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city a sewer connection fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current connection fee consult the schedule of fees on file with the city recorder. (1978 Code, § 13-203, modified)

**18-204. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1978 Code, § 13-204)

**18-205. Sewer service charges.** There shall be charged for the use and service of the sewerage system now in existence and to be constructed a sewer service charge in accordance with this section.

All monthly sewer charges shall be based upon water consumption. All customers shall be classified as either domestic or commercial customers by the board of mayor and aldermen, depending upon whether the water consumption for the individual customer is used for domestic or commercial purposes.

The charges for domestic and commercial customers shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current charges consult the schedule of fees on file with the city recorder.

Any sewer customer who is aggrieved by the sewer charge made to him may submit the grievance to the board of mayor and aldermen for consideration of the particular circumstances involved and if in the opinion of the board the request for an adjustment is reasonable and an adjustment is in order they shall so inform the customer and the city recorder of the adjustment; provided, however, that any customer submitting a request under this section shall continue to pay the regular rate until the adjustment is approved by the board of mayor and aldermen.

The sewerage charges shall be paid at the same time, same place, and in the same manner as water charges. The payment of sewerage service charges shall be subject to the same rules and regulations as are now applicable to water charges. (See chapter 1 of this title).

The water supply of any individual may be cut off for failure to pay the sewerage charges in the same manner that the water supply may be cut off for failure to pay water bills. (See chapter 1 of this title). (1978 Code, § 13-205, modified)

**18-206. Extension policies.** Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities. (1978 Code, § 13-206, modified)

## CHAPTER 3

### REGULATION OF SEWER USE

#### SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Connection to public sewers.
- 18-304. Private domestic waste water disposal.
- 18-305. Regulation of holding tank waste disposal.
- 18-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-307. Discharge regulations.
- 18-308. Industrial user monitoring, inspection reports, records access, and safety.
- 18-309. Enforcement and abatement.
- 18-310. Penalty: costs.
- 18-311. Fees and billings.
- 18-312. Fats, oils and grease traps and interceptors.

**18-301. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Dyersburg, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Dyersburg to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Dyersburg 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. The chapter also provides for the issuance of permits to system users, for the

regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for 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.

This chapter shall apply to the City of Dyersburg, Tennessee, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the Sewer Superintendent of the City of Dyersburg shall administer, implement, and enforce the provisions of this chapter. (1978 Code, § 13-301)

**18-302. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval Authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state of NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user" - An authorized representative of an industrial user may be:

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

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

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

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

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

(6) "Categorical standards" - National categorical pretreatment standards of pretreatment standard.

(7) "City" - The City of Dyersburg or the Board of Mayor and Aldermen, City of Dyersburg, Tennessee.

(8) "Compatible pollutant" - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future 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.

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

(10) "Control authority" - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(11) "Customer" - means 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.

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

(13) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "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.

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

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

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

(18) "Incompatible pollutant" - shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

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

(20) "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).

(21) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those

contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

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

(23) "NPDES (Natural Pollutant Discharge Elimination System)" shall mean 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 Federal Water Pollution Control Act as amended.

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

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

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

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

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

(29) "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 alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

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



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

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

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

(34) "Slug" - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State" - State of Tennessee.

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

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

(38) "Storm sewer" or "storm drain" - shall mean 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.

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

(40) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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

(42) "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.

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

(44) "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 POTW.

(45) "Wastewater treatment systems" - Defined the same as POTW.

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

(47) "Significant industrial user (SIU)". (a) All dischargers subject to categorical pretreatment standards under 40 CRF Chapter I, Subchapter N; and

(b) All noncategorical discharges that, in the opinion of the city, have a reasonable potential to adversely affect the POTW's operation, or that contribute 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 that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW. However, the city need not designate as significant any noncategorical industrial user that, in the opinion of the city and with the agreement of the approval authority, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(48) "Significant noncompliance of industrial user" - For the purpose of this chapter, an industrial user is in significant noncompliance if its violation meets one or more the following criteria:

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

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

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

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

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

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

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely effect the operation or implementation of the local pretreatment program. (1978 Code, § 13-302)

**18-303. Connection to public sewers.** (1) Requirements for proper wastewater disposal. (a) 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 of Dyersburg, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the City of Dyersburg any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(d) Except as provided in § 18-303(1)(e) below, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect within sixty (60) days after the date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(e) 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.

(f) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-304.

(2) Physical connection public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-306.

(b) All costs and expenses incident to the installation, connection and inspection of new building sewers shall be borne by the owner. The owner shall indemnify the city 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 and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new building only when they are found, on examination and testing 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 six (6) inches.

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

(iii) Six (6) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of:

(A) Cast iron soil pipe or ductile iron pipe with compression joints or

(B) Polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed no more than seventy-five (75) feet apart

in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection of the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer 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 of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the 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 city.

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

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

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

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

(b) Notify the property owner in writing of the nature of the problem(s) identified on the property owner's building sewer and inform the property owner that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the property owner. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work. (1978 Code, § 13-303)

**18-304. Private domestic wastewater disposal.** (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-303, the owner shall provide a private sewage pumping station as provided in § 18-303(2)(e)(iii)-(viii).

(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 to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by Dyer County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Dyer County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Dyersburg Public Works Department and Dyer County Health Department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Dyersburg Public Works Department and the Dyer County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Dyersburg Public Works Department and Dyer County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Dyersburg Public Works Department and Dyer County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Dyersburg Public Works Department and Dyer County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Dyersburg Public Works Department and Dyer County Health Department. (1978 Code, § 13-304)

**18-305. Regulation of holding tank waste disposal.** (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent 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, an annual service charge therefore shall be paid to the city to be set as specified in § 18-311. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted 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.

(4) Revocation of permit. Failure to comply with all the provisions of 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 or 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 City of Dyersburg. (1978 Code, § 13-305)

**18-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits.** (1) Applications for discharge



of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-303 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods of compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit 180 days after the effective date of this chapter.

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

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; 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 superintendent.

(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 superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. 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 O & M 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, it shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-306.

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

(vi) The receipt by the city 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 city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent 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 superintendent.

The superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(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 establishing by the city permits may contain the following:

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

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

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

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

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

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports of discharge reports;

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

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

(x) Requirements for notification of slug discharged;

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

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-306(2)(b)(ii) and 18-306(2)(b)(iii). The terms and conditions of the permit may be subject to modification by the superintendent 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 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a

period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 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 approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing 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 any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(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, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing 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 superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1978 Code, § 13-306)

**18-307. Discharge regulations.** (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, 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) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or 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 POTW.

(d) 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 or animals, create a toxic effect in the receiving waters of the POTW, 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.

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

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

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

(h) 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.

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

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

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

(l) Any wastewater 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.

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

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65°C).

(o) Any stormwater, surface water, groundwater, roof runoff, 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 Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(p) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

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

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

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

(2) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Protection Criteria Development). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent 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 pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that the POTW 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 POTW.

PROTECTION CRITERIA DEVELOPMENT

Dyersburg, Tennessee

(I) INCOMPATIBLE POLLUTANTS (Revised - 5/20/85)

<u>Pollutant</u>	<u>Unit Operation</u> <u>Act. Sludge</u>	<u>Protection</u> <u>Nitrification</u>	<u>Pass-Through</u> <u>Protection</u>	Selected POTW
				Protection Criteria (24-Hour Avg., mg/l)
Cadmium	1.18	.133	.013	.013
Chromium	13.7	1.56	.375	.375
Copper	1.28	3.12	.344	.344
Cyanide	6.89	.789	.053	.053
Lead	.233	2.78	.106	.106
Mercury	5.55	---	.004	.004
Nickel	2.91	.379	.273	.273
Phenols	217.4	90.9	.027	.027
Selenium	---	---	0.01	0.01
Silver	6.25	---	.029	.029
Zinc	13.7	2.63	1.053	1.053
Naphthalene	892.9	---	.112	.112
Toluene	35.0	---	.214	.214
Benzene	166.7	---	.013	.013
1,1,1-Trichloromethane	N/A	N/A	.025	.025
Ethyl Benzene	11.5	---	.04	.04
Carbon Tetrachloride	N/A	N/A	---	---
Chloroform	N/A	N/A	.224	.224
Tetrachloroethylene	10.4	---	.139	.139
Trichloroethylene	12.5	---	.1	.1
1,2 Transidichloroethylene	N/A	N/A	.0075	.0075



Methylene Chloride	N/A	N/A	.962	.962
Bis (2 Ethylehexyl Phthalate	16.0	---	.085	.085
Butylbenzyl Phthalate	16.0	---	.085	.085
Di-N-Butyl Phthalate	16.0	---	.085	.085
Diethyle Phthalate	16.0	---	.085	.085

Notes: --- No inhibitions noted in referenced literature.

N/A - No information available in referenced literature.

In all pass-through limitation given allowable influent concentration, pretreatment criteria.

(II) COMPATIBLE POLLUTANTS

<u>Pollutant</u>	<u>Selected POTW Protection Criteria</u>
BOD <sub>5</sub> (mg/l)	240
Suspended Solids (mg/l)	260
Oil & Grease (mg/l)	30
Ammonia (mg/l)	30
pH (units)	6 to 9

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

(4) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW 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 Health and/or the United States Environmental Protection Agency.

(5) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual

strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(6) Exceptions to discharge criteria.

(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-306(1) and 18-306(2). Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 17-307 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(7) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handline areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

If the superintendent decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(i) Description of discharge practices, including nonroutine batch discharges.

(ii) Description of stored chemicals.

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharges that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days.

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, 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 will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

The industrial user shall notify POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notification of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 402.12(b), (d) and (e).

Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar

month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) notification.

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

In the case of any new regulations under Section 301 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

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

(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. (1978 Code, § 13-307)

**18-308. Industrial user monitoring, inspection reports, records access, and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent 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 superintendent, it shall be provided and installed at the users's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent 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 expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications.

Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, 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. 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 city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment

standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analysis were performed;
- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analysis.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water



Quality Control Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city 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 city employees and the city shall indemnify the company against loss or damage to its property by city 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. (1978 Code, § 13-308)

**18-309. Enforcement and abatement.** (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall institute and take all appropriate actions enumerated in § 18-309(10) hereof, including if necessary, the issuance of an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

- (3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause

before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

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

(ii) Take the evidence;

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

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

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

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user

or other person causing the emergency an request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city codes of ordinances governing such nuisances.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Dyersburg shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

(10) Enforcement responses. This chapter contains an Enforcement Response Guide which establishes specific responses to each type of anticipated violation. For purposes of this guide the following terms and abbreviations are used.

Civil Litigation	Civil action against IU seeking equitable relief, monetary penalties and damages.
IU	Industrial User
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SV	Significant Violation
Show Cause	Formal meeting requiring IU to appear before mayor and board of aldermen to explain why formal enforcement action should not be taken.

Enforcement Response Guide. See the following copy of the Enforcement Response Guide.

#### ENFORCEMENT RESPONSE GUIDE

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#### UNAUTHORIZED DISCHARGES (NO PERMIT)

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/ environment	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW	-AO -Civil action	PC PWD
	Failure to apply continues after notice by the POTW	-Civil action -Terminate service	PWD PWD
2. Nonpermitted discharge	IU has not submitted application within 10 days of due date	Phone call; NOV	PC

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 DISCHARGE LIMIT VIOLATION
 

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call; NOV	PC
	Isolated, significant (no harm)	AO to develop spill prevention plan	PC
	Isolated, harm to POTW or environment	-Show cause order -Civil action	PWD, PC, Mayor PWD
	Recurring, no harm to POTW/ environment	AO	PC
	Recurring; significant (harm)	-AO -Show cause order -Civil action -Terminate service	PC PC, PWD PWD PWD, Mayor

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 MONITORING AND REPORTING VIOLATIONS
 

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1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PC
	Report is improperly signed or certified after notice by POTW	-AO -Show cause order	PC PC, PWD
	Isolated, not significant (e.g., 5 days late)	Phone call; NOV	PC
	Significant (e.g., report 30 days or more late)	AO	PC
	Reports are always late or no report at all	-AO -Show cause order -Civil action	PC PWD, PC PWD, PC
	Failure to report spill or changed discharge (no harm)	NOV	PC

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 MONITORING AND REPORTING VIOLATIONS, Continued
 

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
	Failure to report spill or changed discharge (results in harm)	-AO -Civil action	PC PWD, PC
	Repeated failure to report spills	-Show cause order -Terminate service	PWD, PC PWD, Mayor
	Falsification	-Terminate service	PWD, Mayor
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV	PC
	Recurring failure to monitor	-AO -Civil action	PC PWD
3. Improper sampling	Evidence of intent	-Civil action - Terminate service	PWD PWD, Mayor
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	PC
	Delay of 30 days or more	AO to install	PC
	Recurring, violation of AO	-Civil action -Terminate service	PWD PWD, Mayor
5. Compliance Schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO	PC
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO	PC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	-Show cause order -Civil action -Terminate service	PWD, PC PWD PWD, Mayor

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 MONITORING AND REPORTING VIOLATIONS, Continued
 

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Recurring violation or violation of schedule in AO	-Civil action -Terminate service	PWD PWD, Mayor
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 OTHER PERMIT VIOLATIONS
 

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Wastestreams are diluted in lieu of treatment	Initial violation	NOV	PC
	Recurring	-AO -Show cause order	PC PWD
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	PC
	Does result in harm	-AO -Civil action	PC PWD
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

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 VIOLATIONS DETECTED DURING SITE VISITS
 

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1. Entry Denial	Entry denied or consent withdrawn Copies of recorder denied	Obtain warrant and return to IU	PC, PWD
2. Illegal Discharge	No harm to POTW or environment	AO	PC
	Discharges causes harm or evidence of intent/negligence	-Civil action	PC, PWD
	Recurring, violation of AO	Terminate service	PWD, Mayor

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 VIOLATIONS DETECTED DURING SITE VISITS, continued
 

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3. Improper Sampling	Unintentional sampling at incorrect location	NOV	PC
	Unintentionally using incorrect sample type	NOV	PC
	Unintentionally using incorrect sample collection techniques	NOV	PC
4. Inadequate Recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	PC
5. Failure to report additional monitoring	Inspection finds additional files	NOV	PC
	Recurring	AO	PC

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 TIMEFRAMES FOR RESPONSES
 

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- A. All violations will be identified and documented within five days of receiving compliance information.
- B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within 15 days of violation detection.
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance. (1978 Code, § 13-309)



**18-310. Penalty: costs.** (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) no more than ten thousand and 00/100 dollars (\$10,000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expense of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six (6) months, or by both. (1978 Code, § 13-310)

**18-311. Fees and billings.** (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's 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.

Revenue requirements of the wastewater system shall be reviewed by the city on an annual basis in order to ascertain the ability of the system to meet the fair user charge regulations and other costs necessary to meet all obligations of the system. Adjustments shall be made by the city as necessary to meet its obligations.

Each year, prior to adoption of the next fiscal year's budget for the wastewater system, the proposed rates, whether changed from the previous year or not, shall be published in a local newspaper of general circulation to users of the system or forwarded by mail to each user of the system. The proposed rates shall be published in such a manner as to show the proportion allocable to the operation and maintenance costs of the wastewater treatment facilities.

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

- (a) Permits and inspection fees;
- (b) Tapping fees;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and

(g) Other fees as the city may deem necessary to carry out the requirements of this chapter.

(3) Permits and inspection fees. There shall be two classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. A permit and inspection fee of one hundred fifty dollars (\$150) for a residential or commercial building sewer permit and one hundred fifty dollars (\$150) for an industrial building sewer permit shall be paid to the city's building official at the time the application is filed. Permit fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers.

(4) Tapping fees. Each person desiring to tap or connect with the wastewater system of the city, shall first obtain a permit from the city and pay in cash to the city a tap or connection fee as hereinafter provided for each tap or connection prior to the time of the issuance of the permit in accordance with the schedule which follows:

(a)	Single Family Residence	\$150.00
(b)	Small Commercial and Institutional Users (i.e. service stations, office buildings, other non-residential users, schools, etc.)	\$150.00
(c)	Car Wash	\$150.00
(d)	Apartments, Multi-Unit Family Complexes, etc., per building or units; Trailer Courts, trailer or unit	\$150.00 (for first unit plus) \$150.00 for each additional unit
(e)	Factories, Shopping Centers, and Warehouses	\$150.00 for first 10,000 sq. ft. of floor space plus \$150.00 for each additional 10,000 sq. ft. of floor space
(f)	Motels and Hotels	
	(1) First rental unit/room	\$150.00
	(2) Each other rental unit/room	\$150.00

If the connection to the wastewater system requires that a street cut be made, an additional fee of one hundred fifty dollars (\$150.00) will be assessed.

(5) Determination of costs. There shall be and there are hereby established monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the costs categories of:

- (a) Administrative costs including billing and accounting costs;
- (b) Operation and maintenance costs of the wastewater collection system; and
- (c) Operation and maintenance costs of the wastewater treatment system.

The distribution of the total yearly costs of the operation and maintenance costs of the wastewater system shall result in payment in proportion to each user's contribution to the total wastewater loading of the system. As a minimum the total wastewater loading per customer (user) shall be determined by three (3) factors as follows:

- (i) Wastewater flow in gallons per day or other appropriate unit rate of flow;
- (ii) Biochemical Oxygen Demand (BOD) expressed in pounds per day or other appropriate weight per unit of time units; and
- (iii) Suspended Solids (SS) expressed in pounds per day or other appropriate weight per unit of time units.

If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment costs as charged by others against the city, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

(6) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads, each class by user being identified as follows:

Class 1: Those users whose biochemical oxygen demand is two hundred forty milligrams per liter (240 mg/l) by weight or less, and whose suspended solids discharge is two hundred sixty milligrams per liter (260 mg/l) by weight or less.

Class II: Those users whose biochemical oxygen demand exceeds two hundred forty milligrams per liter concentration (240 mg/l) by weight and/or whose suspended solids exceeds two hundred sixty milligrams per liter concentration (260 mg/l).

(7) Computation of costs. (a) Operation and maintenance costs recovery.

- (i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchases (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

$C_i$  = the Class I total unit cost in \$/1,000 gallons.

T.S.C. = the total system yearly operation and maintenance costs as determined by yearly budget projections.

$T_t$  = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the wastewater systems is in excess of those described in § 18-311(6), Class I users, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

$C_u$  = Total user charge per unit of time.

$V_c$  = Total cost for transportation and treatment of a unit of wastewater volume.

$V_u$  = Volume contribution per unit of time.

$B_c$  = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

$B_u$  = Excess BOD contribution from a user per unit of time.

$S_c$  = Total cost of treatment of a unit of suspended solids.

Su = Excess suspended solids contribution from a user per unit of time.

(b) Administrative and debt service costs recovery. All users, whether Class I or Class II shall pay an additional charge which shall be based on all costs necessary to bill, collect, and administer the wastewater program and that revenue necessary to repay all debts acquired by the city in order to design and construct said wastewater facilities.

(8) Frequency of analysis. (a) The waste discharges of each Class II user discharging same into the city's sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes shall be made semi-annually, or more often as may be deemed necessary, by the city.

(b) Samples shall be collected in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of said wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

(9) Disputed analysis: regauging and sampling of wastes. In the event that an analysis of wastes, determined by the samplings and gauging of wastes from a user by the city is disputed, a program of resampling and gauging, with subsequent chemical determination, may be instituted as follows:

(a) The user interested must submit a request for resampling and gauging of their wastes to the city by letter and bind themselves to bear the expenses incurred by the city in the resampling and gauging and subsequent determination of the wastes.

(b) The chemist or engineer employed by the user responsible for the request submitted to the city must confer with the city's person in charge of gauging and sampling. Jointly they will establish the length of the re-run and the methods to be employed to determine the flow and to sample the flow.

(c) The chemist or engineer engaged by the user may be present during the gauging and sampling operation and also in the city's laboratory during the chemical analysis.

(d) The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of record and shall be used to establish current billing procedures.

(10) Monthly rates. There shall be and there are hereby established monthly rates and charges to recover the costs associated with the operation and maintenance of the sewer system, administration, debt service, and services supplied by the sewer system bases upon those factors and parameters established in § 18-311(5), (6), and (7) and shown below.

All users of the sewer system shall have a minimum monthly fixed charge and, in addition, shall be assessed a flat rate based on the metered quantities

of water purchased in accordance with the usual and customary fees and charges as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current rates and charges consult the schedule of fees on file with the city recorder.

(11) Monthly bills. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

A penalty of five percent (5%) shall be added to any bill not paid on or before the "PAY GROSS AFTER" date. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

A customer's service may be discontinued without notice if his bill is not paid on or before seven (7) days after the "PAY GROSS AFTER" date. The city shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the bill due date fall on Sunday or a holiday, the business day next following that date will be the last day to pay without the penalty. A remittance received by mail after the time limit for payment without the penalty will be accepted by the city if the envelope is date-stamped, on or before the "PAY GROSS AFTER" date.

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

(12) Water bills and sewer bills to be combined. Water bills and sewer bills shall be combined in one statement in such manner as to require the payment of both water charges and sewer charges as a unit.

(13) Discontinuance of service upon failure to pay bills, etc. Payment of such bills as are presented under § 18-311(11) shall be enforced by discontinuing either the water service, the sewer service, or both, except to the extent that the city cannot do so without impairment of the contract rights vested in the holders of the outstanding bonds payable from the revenues of the water and sewer systems of the city. (1978 Code, § 13-311, modified)

**18-312. Fats, oils and grease traps and interceptors.** (1) Prohibited acts. It is a violation of this sewer use ordinance to introduce into the City of Dyersburg Sewer Collection System, or waste water treatment facilities, any solid or viscous substance(s) including, but not limited to: fats, oils, grease, waste food, garbage with particles greater than one-half inch (½") in any dimensions, paunch manure, bones, hair, hides, flushings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw shavings, waste paper, wood plastics, mud, or any other substance, (hereinafter referred to as "FOG") whether when combined with, or separate from other influent in the sewer collection system, causes or contributes to the

stoppage or reduction of flow of the sewer collection system, or other interference with the operation of the wastewater treatment facilities of the City of Dyersburg. This shall include dumping of grease or any food particles into dumpsters or any other trash containers for health reasons. The use of degreasing or line cleaning products is prohibited.

(2) Penalty. Each violation of this sewer use ordinance is punishable against the property owner or its lawful occupant to the fullest extent of the penalty clause of the City of Dyersburg Ordinances. Each day FOG is put into the sewer collection system constitutes a separate offense.

In addition to the penalties heretofore set forth, upon fourteen (14) days proper notice to the property owner or its lawful occupant, and after ten (10) days notice in a newspaper of general circulation within the city, the sewer committee of the City of Dyersburg after a public hearing is empowered and authorized to determine whether the sewer user constitutes an actual and continuing harm to the structural integrity of the sewer collection system, and is empowered and authorized to determine whether the sewer user constitutes an actual and continuing threat to the public health of the city. At the hearing the committee will consider all evidence and testimony presented, including all evidence and testimony brought forth by the sewer user. The sewer user may be represented by counsel. In the event that the committee determines that an actual and continuing harm to either the structural integrity or the public health is occurring, then the committee is empowered and authorized to discontinue water service and sewer service to the sewer user until the threat to the structural integrity or public health has been abated or eliminated. Any appeal of the decision of the committee will lie to the full board of mayor and aldermen. The property owner or lawful occupant bears the burden of showing that the threat to the structural integrity and/or public health has been abated or eliminated and can apply at any time thereafter for the resumption of water and sewer service. All waste manifest for each location. Failure to comply with the City of Dyersburg grease ordinance will result in waste hauler not being permitted to haul waste within the city limits of Dyersburg.

(3) Fats, oils and grease (FOG, waste food and sand interceptors). FOG, and/or sand interception equipment shall be provided when they are necessary for the proper handling of liquid wastes containing FOG, any flammable wastes, food waste, sand, soil and solids in excessive amounts which impact the flow of the sewer collection system. All FOG interception equipment must meet with the requirements of the Dyersburg Plumbing Code and other requirements described below. FOG interception equipment shall be required for any single-family residence or multi-family that may cause problems with City of Dyersburg collection system. All FOG interception shall be located so as to be readily and easily accessible for cleaning and inspection.

(a) New construction and renovation. As a part of the approval process and as a condition precedent to the issuance of a building permit, all proposed new construction of, and/or renovation of, restaurants,

cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, jails, churches, camps, caterers, manufacturing plants and all other sewer users who discharge applicable waste shall submit a FOG and food waste control plan to the building codes inspector that will effectively control the discharge of FOG into the sewer collection system. It is a violation of this ordinance to construct or renovate a building listed above without the required approval. Each day the sewer user actually uses a building as a restaurant cafeteria hotel, motel, hospital, nursing home, school, grocery store, jail, church, camp, caterer, manufacturing plant and any other sewer user who discharges applicable waste without duly approved FOG control equipment constitutes a separate violation under subsection (1) above and is punishable under subsection (2). It is a violation of this regulation of sewer use to fail to clean, service and maintain FOG interception equipment after it has been installed. The building codes inspector should give the contractor a copy of the City of Dyersburg grease ordinance as a guideline for all new businesses that prepare any type of foods. All new businesses that prepare any type of foods shall follow methods from EPA sizing of disposal system (see attached sheets on methods<sup>1</sup>). A diagram of grease trap tank will be included in ordinance (per city specs).

(b) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer user who has currently existing FOG interception equipment shall maintain the FOG interception equipment through proper cleaning, servicing and maintenance, in such a manner so as to prohibit excessive loading, plugging damage, or potential damage to structures or equipment in the sewer collection system. The superintendent or his designee is authorized and empowered to enter onto the premises of any sewer user, during normal business hours, for the purpose of inspecting the cleaning, service and maintenance of the FOG interception equipment. Failure to properly maintain or clean the FOG interception equipment will be deemed to constitute a prohibited act under subsection (a). Owners whose interceptors are deemed to be ineffective may be required to change the cleaning frequency or to increase the size of the interceptor. All existing structures that have current existing FOG equipment must have all in-ground tanks cleaned every three (3) months. Every three (3) months is the minimum requirement for cleaning in-ground tanks. All under sink grease traps must be cleaned monthly. All traps that are cleaned must have a manifest for each location. The

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<sup>1</sup>Available in the office of the city recorder.



manifest must be signed and dated by the owners with the disposal location for grease products included on manifest.

(c) Existing structures (no existing FOG interception equipment.) All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, jails, churches, camps, caterers, manufacturing plants and any other sewer user, who discharge applicable waste and who do not have installed FOG interception equipment, shall be required to submit a plan for control of FOG within ninety (90) days of receipt of notice from the superintendent that FOG is causing excessive loading, plugging, damage, impeding or stopping the flows of the sewer collection system or is causing potential problems to structures or equipment in the sewer collection system. Failure to timely submit a FOG control plan shall constitute a separate violation of this ordinance. Existing structures must install a size forty (40) pound under sink grease trap which is the minimum. This size may change at the discretion of the director. After approval of the FOG control plan by the building code officer, the sewer user must:

(i) Implement the plan within a reasonable time. The sewer user and the superintendent shall agree in writing upon the time table for implementation of the FOG plan; and

(ii) Clean, service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. The superintendent or his designee is authorized and empowered to enter onto the premises of the sewer user, during normal business hours for the purpose of inspecting the cleanliness, service and maintenance of the FOG interception equipment. The failure to clean, service and maintain FOG interception equipment shall constitute a prohibited act under subsection (1). All in-ground tanks are to be cleaned every three (3) months and all under sink grease traps are to be cleaned once a month. All trap cleaning is subject to change under discretion of the director on condition of units.

(4) Sand, soil and oil interceptors. All car washes, truck washes, service stations, garages 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 serviced, cleaned and maintained so as to prevent impact upon the sewer collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be required to change the service frequency or may to increase the capacity of the interceptor and may be subject to being in violation under this ordinance. Owners or operators of washing facilities will prevent the inflow of storm/rain water into the sanitary sewer system.

(5) Laundries. Commercial laundries shall be equipped with an interceptor including a wire bucket or similar device, removable for cleaning, that prevents passage into the sewer system of solids two (2) inches or larger in size.

(6) FOG, sand, soil, interception equipment compliance standards. The FOG interception equipment/plumbing therein associated, must be designed and installed in accordance with the City of Dyersburg Standard Plumbing Code and Tennessee Department of Environment and Conservation Engineering Standards. Underground equipment shall be tightly sealed to prevent inflow or storm or rainwater and must be easily accessible to allow for regular inspection, and for regular/routine maintenance and cleaning. FOG interception equipment and other interceptors shall be maintained by the owner or operator of the facility so as not to constitute a prohibited act under this ordinance, and so as to prevent a stoppage of the sewer collection system, and the accumulation of the FOG in the sanitary sewer lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from a prohibited act under this ordinance, or from poorly cleaned, serviced or maintained FOG interception equipment, in addition to the penalties set forth above, and the discontinuation of water service, the property owner shall be required to refund the reasonable cost of labor, equipment and materials expended in cleaning out the sewer collection system lines. In the event that two (2) or more sewer users are found to have contributed to a stoppage, or impediment to the flows of the sewer collection system, then the costs shall be apportioned among them pro-rata. In the event the owner or its lawful occupant fails to pay the reasonable costs of labor, equipment and materials, then those costs may be assessed against and collected as a special assessment under the ad valorem property taxes, on the property. (as added by Ord. #BB-571, Oct. 2005)

**CHAPTER 4****SEWAGE<sup>1</sup>****SECTION**

- 18-401. Definitions.
- 18-402. When disposal facilities are required.
- 18-403. When a connection to the sanitary sewer is required.
- 18-404. When a connection to a septic tank is required.
- 18-405. Septic tank cleaners regulated.
- 18-406. Use of sanitary pit privies, etc.
- 18-407. Responsibility for providing facilities.
- 18-408. Responsibility for maintaining facilities.
- 18-409. Only sanitary methods of disposal to be used.
- 18-410. Discharge into roads, lakes, etc., prohibited.
- 18-411. Pollution of ground water prohibited.
- 18-412. Inspections, violations, and corrections.
- 18-413. Carnivals and other transients.

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

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within 250 feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." (See § 13-101 in this code).

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

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

(5) "Approved septic tank." A watertight covered receptacle of impervious material constructed according to plans approved by the health officer. Such tank shall have a capacity of not less than five hundred (500) gallons plus one hundred (100) gallons for each person in excess of six (6) persons up to a total of sixteen (16) persons. The effective depth of the tank from the water level to the bottom of the tank shall not be less than four (4) feet, and the length from inlet to outlet shall be not less than two (2) times the width. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply.

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<sup>1</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 Code, § 8-201)

**18-402. When disposal facilities are required.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits of the City of Dyersburg shall be required to have a sanitary method of disposal of sewage and human excreta. (1978 Code, § 8-202)

**18-403. When a connection to the sanitary sewer is required.** Wherever an accessible and adequate sewer with sufficient fall exists in the judgment of the superintendent of the water and light department, and, water under pressure is available, flush closets shall be provided and the wastes from such closets shall be discharged through a connection to the sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise provided with a connection to the sewer as herein provided, no other method of human excreta disposal shall be employed. (1978 Code, § 8-203)

**18-404. When a connection to a septic tank is required.** Wherever flush closets are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such closets shall be discharged into an approved septic tank.

No septic tank or other water-carried, sewage disposal system, except a sewer connection, shall be installed without first securing a written permit from the health officer or his duly appointed representative. Such permit shall be issued without cost to the applicant and the system shall be installed according to the plans approved by the health officer. (1978 Code, § 8-204)

**18-405. Septic tank cleaners regulated.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks on private or public property must register with the health officer and furnish such records of work done within the corporate limits of the City of Dyersburg as may be deemed necessary by the health officer. (1978 Code, § 8-205)

**18-406. Use of sanitary pit privies, etc.** Wherever a sanitary method of human excreta disposal is required and flush closets are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-206)

**18-407. Responsibility for providing facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by this chapter, or the agent of the owner, to provide such facilities. (1978 Code, § 8-207)

**18-408. Responsibility for maintaining facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for human excreta disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1978 Code, § 8-208)

**18-409. Only sanitary methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter. (1978 Code, § 8-209)

**18-410. Discharge into roads, lakes, etc., prohibited.** No sewage or excreta shall be discharged or deposited into any road, ditch, field or on the surface of the ground or into any lake or watercourse in such quantity or manner as may materially affect the quality of the water except under conditions specified by the health officer. (1978 Code, § 8-210)

**18-411. Pollution of ground water prohibited.** No sewage, effluent from a sewage treatment plant, or excreta shall be discharged into any well, either abandoned or constructed for this purpose, which is carried to such a depth as to penetrate the water bearing strata nor shall such matter be discharged into a crevice, sink hole, or other opening, either natural or artificial in any formation which may permit the pollution of ground water except under conditions specified by the health officer and approved by the Tennessee Department of Health. (1978 Code, § 8-211)

**18-412. Inspections, violations, and corrections.** It shall be the duty of the health officer to make inspections of the methods used for disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written or verbal notification of any violation of this chapter shall be given by the health officer to the person or persons responsible under this chapter for the correction of the condition, and correction shall be made within ten (10) days after such notification. If the

health officer shall advise any person that the disposition of sewage and human excreta made by such person constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, but such person shall be allowed the number of days herein provided within which to make a permanent correction. (1978 Code, § 8-212, as amended by Ord. #BB-499, July 1999)

**18-413. Carnivals and other transients.** Whenever carnivals, circuses, or other transient groups of persons come within the area of the corporate limits of the City of Dyersburg, such groups of transients shall provide a sanitary method for the disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary methods of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this chapter. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section but shall comply herewith immediately. (1978 Code, § 8-213)

## CHAPTER 5

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

#### SECTION

- 18-501. Definitions.
- 18-502. Construction, operation, and regulation of cross-connections, auxiliary intakes, bypasses and interconnections.
- 18-503. Statement required for supplemental water source storage.
- 18-504. Fees.
- 18-505. Penalty; discontinuance of water supply.

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

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

"Public water supply" shall mean the Dyersburg waterworks system which furnishes water to the city and city's water utility customers for general use and which is recognized at the public water supply by the Tennessee Department of Environment and Conservation.

"Department" shall mean the Dyersburg Water and Sewer Department.

"Potable water" shall mean water that meets the criteria of the Tennessee Department of Environment and Conservation and the Environmental Protection Agency for human consumption.

"Backflow" shall mean the reversal of the intended direction of flow in a piping system.

"Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

"Auxiliary intake" shall mean any water supply on a available to a premises, other than that directly supplied by the public water system.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

"By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention.

"Air gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air gap separation must be at least twice the inside diameter of the supply line, but not less than two inches (2"). Where a discharge line serves as receiver, the air gap separation shall be at least twice the diameter of the discharge line, but not less than two inches (2").

"Reduced pressure principal backflow prevention device" shall mean an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

"Double check valve assembly" shall mean an assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each test valve.

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

"Atmospheric vacuum breaker" shall mean a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in the water system.

"Pressure vacuum breaker" shall mean an assembly consisting of a device containing one or two independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

"Approved" shall mean that the device or method is accepted by the Tennessee Department of Environmental and Conservation and the director as meeting specifications suitable for the intended purpose.

"Director" shall mean the director of the Dyersburg Water and Sewer Department of the City of Dyersburg or his authorized deputy, agent or representative.

"Fire protection systems:"

(1) Class I shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs, no physical connection from other



water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

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

(3) Class 3 shall be those with direct connection from public water supply mains, and having storage tanks filled from the public water maintained in potable condition.

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

(5) Class 5 shall be those with direct connection from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

(6) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. (1978 Code, § 8-301, modified, as replaced by Ord. #BB-507, Aug. 1999)

**18-502. Construction, operation and regulation of cross-connections, auxiliary intakes, bypasses and interconnections.** Construction and operating subject to approval of Tennessee Department of Environment and Conservation; under supervision of director.

(1) Compliance with Tennessee Code Annotated. The Water Department of the City of Dyersburg is to comply with Sections 68-221-101 et seq. of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this chapter, which pertain to cross-connection, auxiliary intakes, bypasses, and interconnections, and established an effective on-going program to control these undesirable water uses.

The requirements of this chapter apply to all premises served by the Dyersburg public water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. This "cross connection" chapter shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination.

(2) Regulated. (a) It shall be unlawful for any person to cause a cross-connection to be made; or to 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 are in compliance with this chapter. The operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times subject to regulation by the Director of the Dyersburg Water and Sewer Department pursuant to this chapter.

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

(c) For all new commercial and industrial installations, the department shall inspect the site and/or review plans in order to determine the type of backflow prevention device. All required devices must be installed and operable prior to initiation of water service. All new devices must have a strainer and a small mesh screen inside of the unit. All devices must have a reduced pressure zone backflow preventor installed in commercial and industrial installations.

(d) For existing premises, the department shall perform evaluations and inspections and shall require correction of violations pursuant to this chapter.

(3) Cross-connection plumbing permit required. At the time of the initial installation of a backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose, a cross-connection plumbing permit must be purchased and obtained by the owner or installer of such device from the Dyersburg Building Codes Department. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection.

(4) Inspections; required--inspection tags. The director shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the director in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. At a minimum, all newly installed plumbing systems and all additions to existing plumbing systems shall be inspected by the director upon completion.

Any person installing, repairing, or testing any backflow prevention device MUST, upon completion of work, affix an "installation and maintenance tag" upon the device. The person doing the actual work upon the device shall fill in the information requested on the tag in its entirety. These tags (tan in color) are available from the codes department when application is made for plumbing permits, or from the water and sewer department offices.

No device will be inspected or approved unless a completed "installation and maintenance tag" (tan) is attached to the device. If the tag is present, the inspector will then inspect and test the device and remove the tag for his records. The inspector will then attach either a (blue) "approve" tag or a (red) "rejected" tag. If any device is rejected, the inspector will notify the person identified on the (tan) tag. Final approval shall not be granted to any device rejected by the inspector or to any device without a tag attached. The director shall also be entitled to inspect premises and to test backflow prevention devices

whenever the same is necessary for the public good in the discretion of the director. In addition to the foregoing, the director shall have the right to enter at any reasonable time and property served by a connection to Dyersburg Public Water System for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(5) Corrections of violations. (a) Any person found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the director, but in no case shall the time for correction exceed thirty (30) days. Failure of such person to correct his or her violation of this chapter within the time established by director shall subject such person to the penalties set forth in § 18-505.

(b) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the director shall require that immediate corrective action be taken to eliminate the threat to the public water system.

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

(c) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within the time limits set by the Dyersburg Public Water System, shall be grounds for denial of water service and the assessment of such other fines and penalties assessable pursuant to this chapter. If proper protection has not been provided after a reasonable time, the director shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customer's on-site piping system in such manner that the two systems cannot again be connected by an unauthorized person,

subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnections when the risk of public health and safety in the opinion of the director warrants disconnection prior to a due process hearing.

(6) Grievances and hearings. Any person aggrieved by the action of the director or other personnel of the City of Dyersburg Water and Sewer Department in the enforcement of this chapter is entitled to a hearing before the board of mayor and aldermen. Any hearing or re-hearing brought before the board of mayor and aldermen shall be conducted in accordance with the following:

(a) Upon receipt of a written petition from the alleged violator pursuant to this section, the director shall give within ten (10) days, give the petitioner written notice of the time and place of the hearing. In no event shall the hearing be conducted more than forty-five (45) days following receipt by the director of the written petition.

(b) The hearing may be conducted by the board of mayor and aldermen at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(c) A verbatim record of the proceedings of the hearing shall be made and filed with the board in conjunction with the board's findings of fact and conclusions of law made on the basis of the record.

(d) In connection with the hearing, the mayor or, in his absence, the chairperson of the board, shall issue subpoenas in response to any reasonable request by any part to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice or subpoena issued under this section, the Chancery Court of Dyer County shall have jurisdiction upon application of the director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such order of the court shall be punishable by the court as contempt.

(e) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of this chapter and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the city recorder or his designee.

(f) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided hereinafter.

(g) Any person to whom an emergency order is directed shall comply therewith immediately, but in no case shall such a hearing be held later than 3 days from receipt of such a petition by the board.

(h) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedures. The mayor or chairperson of the board shall rule on matters involving the parties' construction or objections under the rules.

(i) The director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The mayor or chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing, subject to approval of the board. The board, the director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(j) The chairperson shall possess all the authority delegated to the mayor by this section when acting in the mayor's absence or place.

(k) An appeal may be taken from any final order or other final determination of the director or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated (T.C.A.) § 27-8-101.

(7) Required protective device. (a) For all commercial and industrial facilities, and wherever the nature of use of the water supplied a premises by the water system is such that it is deemed:

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

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

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

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

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

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

Then, for all such facilities, the director shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(b) Only devices approved by the Foundation for Cross-Connection Control, the Tennessee Department of Environment and Conservation and the director may be used for the control of cross-connection hazards. The method of installation of backflow protective devices shall be approved by the director prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in subparagraph (f) below. The installation shall be at the expense of the owner or occupant of the premises.

(c) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire connections for all commercial and educational building, construction sites, all industrial, institutional, and medical facilities, all fountains, lawn irrigation systems, all fire hydrant connections other than those utilized by the fire department in combating fires, and all other facilities which in the opinion of the director require devices for the protection of the public water supply.

(d) The City of Dyersburg has adopted the American Water Works Association classification scheme, as set forth in the Association's Manual M-14, for backflow protection on fire prevention systems. This scheme classifies fire systems into six classes based on water source and arrangement of supplies. The type of backflow protection necessary for the premises is determined by the classification of the fire prevention system. All fire systems pre-existing this chapter are required to upgrade to current chapter requirements.

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

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

(B) Premises have unusually complex piping systems;

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

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

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

(e) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be

designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(f) Additionally, the director may require internal and/or additional backflow prevention devices when deemed necessary by the director to protect potable water supplies within the premises, or the public water supply.

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

(i) All devices must be installed pursuant to this chapter by a person possessing a valid plumbing license issued by the City of Dyersburg.

(ii) All devices shall be installed in a horizontal position. No strainer or union shall be installed between valve and body of assembly.

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

(iv) The device shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. Maximum height above floor surface shall not be more than sixty inches (60").

(v) Clearance from all wall surfaces or other obstructions shall be a minimum of six (6) inches.

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

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

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

(ix) An approved strainer, fitted with a test cock, shall be installed on the immediate upstream side of the device.

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

(xi) Duplicate units, installed in parallel, shall be provided in cases where the water supply cannot be interrupted for routine testing and maintenance of a single unit installation. EXAMPLE: Hospitals, factories that don't shut down, nursing homes, etc.

(xii) When installed outside, device must have guard post in drive entrance or parking lots.

(xiii) No device shall be installed over or near an electrical outlet.

(xiv) All fittings shall be brass, copper or PVC.

(xv) Pipe dope shall not be permitted for use in the installation of devices. PVC tape shall be used exclusively for installation connections.

(xvi) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port or that the multiple drain lines are at least two and one-half (2½) times the area.

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

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

(xix) High volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches 10 PSI. Ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air gap discharges into the reservoir.

(h) The director shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the director in his discretion. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(i) Where the use of water is critical to the continuance of normal operation or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one unit has been installed and the continuance of service is critical, the director shall notify, in writing, the occupant of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the director may require the installation of a duplicate unit. The director shall require the occupant of the premises to make all repairs indicated promptly, and to keep any



protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the director. The failure to maintain a backflow device in proper working order shall be grounds for discontinuance of water service to a premise. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director.

(8) Irrigation systems. All irrigation systems (residential or otherwise) require the maximum protection of a reduced pressure backflow prevention device which must be installed, inspected and tested according to established procedures. Devices installed outdoors must be protected with a weatherproof insulated enclosure. In cases where the device is physically removed during cold weather, no enclosure is required but the feedline must be drained and capped. All outdoor installations require a four (4) inch thick pea gravel foundation under an enclosure to protect the device from freezing, together with a stable anchor to secure the device. At the owner's request, a separate water meter will be set by the department for irrigation systems. No sewer charge will be assessed for the meter although normal tap fees and minimum billings will be assessed.

Owners of new irrigation systems are required to secure a cross-connection plumbing permit prior to commencement of construction of the system.

Owners of unpermitted irrigation systems existing prior to the adoption of this chapter are required to secure an inspection of their inspection of their existing irrigation systems and a cross-connection plumbing permit as a condition precedent to the continued operation of such systems.

Failure by an owner to secure a cross-connection permit for a new or existing irrigation system will result in the disconnection of the owner's premises from the city's water system and/or the maximum fine assessable under the penalty clause of the municipal code.

(9) Testing and repair of backflow prevention devices. (a) All testing and/or repair of backflow prevention devices shall be performed by a person with backflow prevention certification acceptable to the Tennessee Department of Environment and Conservation Division of Water Supply and the Director. A record of all testing and repair of backflow prevention devices shall be maintained by the director in the department. On an annual basis, the director, or his designee, shall test all backflow devices located on, or affecting the public water supply. There shall be no charge for annual testing performed by the director.

(b) At least fifteen (15) days prior to an annual backflow prevention device test, notice shall be sent to the affected property

owner/occupant. The annual test shall be performed in the least obtrusive/disruptive manner possible. If access to the interior portion of a structure is required, the director or his designee shall make direct contact with the property owner/occupant and shall make reasonable accommodations regarding the coordination of the testing event.

(c) Any and all repair(s) and/or additional testing (tests not on an annual basis) of a backflow prevention device shall be at the sole cost of the property owner/occupant. The director may perform additional testing of backflow prevention device(s) but, shall charge the property owner for such additional testing in accordance with a fee schedule, approved from time to time by the board. Private parties known and approved by the director are authorized to make repairs and perform additional testing.

(d) Backflow prevention devices that fail testing must be repaired and successfully re-tested within a thirty (30) day period following receipt of notification of such failure. Any backflow prevention device which has failed testing, and is not repaired and successfully retested within thirty (30) days, shall be deemed to constitute an extreme hazard of immediate concern of contamination to the public water supply, authorizing the director to require immediate corrective actions, which includes but is not limited to, after ten (10) days written notice, the discontinuation of water service at the affected property. If water service is discontinued, a hearing, as provided under this chapter, shall be scheduled as soon as practical.

(10) Certification required for testing and repair. (a) Prior to the commencement of any test or repair of a backflow prevention device, the person performing such test or repair, including the director or his designee, shall file a copy of his or her backflow prevention certificate as approved by the Tennessee Department of Environment and Conservation with the director. The director shall maintain records of all persons authorized to perform testing or repair.

(b) Fire prevention system contractors, who do not possess a certificate described above, must be pre-approved by the director prior to a final installation of any backflow prevention device located on the public water supply and on the fire prevention system. Any such backflow prevention device must be properly tested and/or repaired in accordance with this chapter.

(11) Nonpotable supplies. (a) The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(b) The foregoing conspicuous language shall be displayed upon a sign with black letters at least one inch (1") high located on a red background.

(c) Color coding of pipelines in accordance with the Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the director, such color coding is necessary to identify and protect the potable water supply. (1978 Code, § 8-302, as replaced by Ord. #BB-507, Aug. 1999, and amended by Ord. #BB-554, June 2004, and Ord. #BB-564, Dec. 2004)

**18-503. Statement required for supplemental water source storage.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director a statement of the non-existence of unapproved or unauthorized cross-connection, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1978 Code, § 8-303, as replaced by Ord. #BB-507, Aug. 1999)

**18-504. Fees.** A permit fee shall be charged all applicants applying for a cross-connection plumbing permit. The amount of this fee shall be set and adjusted from time to time as is necessary by the city board upon the recommendation of the director to reflect the cost of providing cross-connection services and control. A schedule of current fees shall be maintained at all times in the office of the recorder in city hall. (1978 Code, § 8-304, as replaced by Ord. #BB-507, Aug. 1999)

**18-505. Penalty; discontinuance of water supply.** (1) Any person found to be or to have acted in a manner contrary to or violative of this chapter shall be deemed guilty of a misdemeanor and shall be subject to the maximum fine allowable under the penalty clause of the Dyersburg City Code. Each day a violation of this chapter exists shall constitute a new and separate offense punishable by such maximum fine.

(2) Independent of and in addition to such fines and penalties, the director may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, by-pass or interconnection has been discontinued. (1978 Code, § 8-305, as replaced by Ord. #BB-507, Aug. 1999)

## CHAPTER 6

### WELLS, SPRINGS AND PONDS

#### SECTION

- 18-601. Use of municipal water required.
- 18-602. Use of wells or springs prohibited.
- 18-603. Digging of new wells prohibited.
- 18-604. Inspection of springs and wells.
- 18-605. Condemnation and abatement of unsanitary springs or wells.
- 18-606. Failure to abate nuisance.
- 18-607. City abatement of nuisance.
- 18-608. Offense or dangerous pools or ponds.
- 18-609. Wellhead protection.

**18-601. Use of municipal water required.** Every dwelling, house, apartment, and commercial or industrial structure located within the City of Dyersburg must be supplied with municipal water service, provided there is a municipal water main in the front, rear, or on either side of such premises. (as added by Ord. #576, May 2006)

**18-602. Use of wells or springs prohibited.** It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises, to use water from wells or springs if such premises are open to the general public, or if the general public is invited upon such premises. (as added by Ord. #576, May 2006)

**18-603. Digging of new well prohibited.** It shall hereafter be unlawful for any person to dig a well upon any premises within the City of Dyersburg. (as added by Ord. #576, May 2006)

**18-604. Inspection of springs and wells.** The water plant and distribution superintendents are hereby authorized and directed to have the Tennessee Department of Health and/or the Tennessee Department of Environment and Conservation (TDEC) inspect and examine all springs and wells which they have reason to believe are polluted, unhealthy, unsanitary, and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (as added by Ord. #576, May 2006)

**18-605. Condemnation and abatement of unsanitary springs or wells.** If, as a result of such examination, inspection, and analysis, provided for in § 18-604 of this chapter, the Dyersburg Water Treatment Plant Supervisor or the Tennessee Department of Health or the Tennessee Department of

Environment and Conservation (TDEC) ascertains that any spring or well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the water treatment plant supervisor shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the City of Dyersburg, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water therefrom impossible. If the owner resides outside the city, the water treatment plant superintendent shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in the city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from the date of publication of such notice. (as added by Ord. #576, May 2006)

**18-606. Failure to abate nuisance.** Any owner of a spring or well who fails to comply with abatement notice as provided herein within ten (10) days from the receipt thereof by closing and obstructing such spring or well and abating such nuisance to the public health shall be subject to a fine in the Dyersburg Municipal Court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of Dyersburg may seek civil remedies for any damage to the public water supply that are caused by said nuisance. (as added by Ord. #576, May 2006)

**18-607. City abatement of nuisance.** If any owner of a spring or well shall fail to close and obstruct such well or spring and abate such nuisance after expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon request of the mayor, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the City of Dyersburg on demand. (as added by Ord. #576, May 2006)

**18-608. Offensive or dangerous pools or ponds.** Every pool, pond, or other place within the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of the property owner unless renovated, cleaned, or purified within three (3) days of notification by the water treatment plant superintendent. (as added by Ord. #576, May 2006)

**18-609. Wellhead protection.** The City of Dyersburg hereby adopts TDEC Rule No. 1200-5-1-.34<sup>1</sup> as its official wellhead protection policy. (as added by Ord. #576, May 2006)

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<sup>1</sup>TDEC Rule No. 1200-5-1-.34 is available in the city recorder's office.