

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. SEWER CHARGES.
4. WATER POLLUTION CONTROL.
5. STORMWATER UTILITY SERVICE CHARGES.

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

SECTION

- 18-101. Definitions.
- 18-102. Sanitary method for disposal of sewage, etc., required.
- 18-103. Required sewer connections.
- 18-104. Septic tanks required for water-carried sewage facilities where accessible sewer does not exist.
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- 18-110. Discharge of sewage, etc., into wells, crevices, etc., which may pollute ground water.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Electric light and waterworks commissioners: § 2-401.

Charter references

Extension of water facilities: § 21.

Sewer connections: § 5(27).

Waterworks system: § 20A.

²The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Public Health for adoption by cities in the interest of the public health.

Municipal code reference

Plumbing code: title 12, chapter 2.

18-111. Requirements for carnivals, circuses, etc.

18-112. Inspection of sewage disposal methods by health officer; notice to correct violations of article.

18-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

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

(3) "Inspections department." The inspections department of the City of Morristown.

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

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

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, § 8-301)

18-102. Sanitary method for disposal of sewage, etc., required. Every residence, building, or place where human beings reside, assemble, or are employed within the city or within the jurisdiction of the county health department shall have a sanitary method for disposal of sewage and human excreta.

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 section or the agent of the owner to provide such facilities.

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal specified in this chapter. (1979 Code, § 8-302)

18-103. Required sewer connections.¹ Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to such sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer, no other method of sewage disposal shall be employed. (1979 Code, § 8-303)

18-104. Septic tanks required for water-carried sewerage facilities where accessible sewer does not exist. Wherever water-carried sewage facilities are installed and their use is permitted by the inspections department, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system, except a connection to a public sewer shall be installed without the approval of the inspections department. The design, layout, and construction of such systems shall be in accordance with specifications approved by the inspections department and the installation shall be under the general supervision of the inspections department. (1979 Code, § 8-304)

18-105. Use of sanitary pit privy or other approved methods of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, § 8-305)

18-106. Permit and approval of inspections department required for septic tanks, privies, etc. Any person proposing to construct a septic tank

¹Charter reference

Authorizing the city to require connections with sanitary sewers:
§ 5(27)

system, privy, or other sewage disposal facility requiring the approval of the inspections department under this chapter, shall before the initiation of construction obtain the approval of the inspections department for the design and location of the system and secure a permit from the inspections department for such system. (1979 Code, § 8-306)

18-107. Duty of occupants, tenants, etc. to maintain sewage disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge of any building or premises to maintain the facilities for sewage disposal in a clean and sanitary condition at all times. No refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, § 8-307)

18-108. Registration of persons operating equipment for cleaning of septic tanks, privies, etc. Every person who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property shall register with the inspections department and furnish such records of work done within the city limits as may be deemed necessary by the inspections department. (1979 Code, § 8-308)

18-109. Discharge of sewage, etc., into watercourses. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the inspections department and specifically authorized by the Tennessee Stream Pollution Control Board. (1979 Code, § 8-309)

18-110. Discharge of sewer, etc., into wells, etc., which may pollute ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, § 8-310)

18-111. Requirements for carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the city such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the inspections department shall constitute a violation of this section. In these cases, the violator shall not be entitled to the notice of thirty (30) days provided for in § 18-112. (1979 Code, § 8-311)

18-112. Enforcement of chapter. It shall be the duty of the inspections department to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation of this chapter shall be given by the inspections department to the person responsible under this chapter for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the inspections department shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, but such person shall be allowed thirty (30) days within which to make permanent correction. Penalty for violation of the foregoing provision shall accrue as provided in the general penalty clause for this code for each day subsequent to the allowed thirty days provided an extension has not been granted by the inspections department for just cause only. (1979 Code, § 8-312)

CHAPTER 2

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-201. Definitions.
- 18-202. Water supply to comply with legal requirements; to establish program.
- 18-203. Grounds for denial of water service.
- 18-204. Cross-connections, etc., unlawful except under certain conditions.
- 18-205. Certain persons to file statements of non-existence of cross-connections, etc.
- 18-206. Inspections.
- 18-207. Right of entry--obtaining information.
- 18-208. Existing cross-connections, etc.--reasonable time to remove.
- 18-209. Protective devices--when required, installation, testing.
- 18-210. Protection from contamination--warning signs.
- 18-211. Penalties.
- 18-212. Backflow prevention devices--failure to maintain, bypassing, altering, etc.
- 18-413. Chapter to apply to all premises served by the Morristown water supply.
- 18-414. Establishment of cross-connections, backflow, and backsiphonage control board.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

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

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

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

¹Municipal code reference
Plumbing and related codes: title 12.

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of any other state or country. (1979 Code, § 8-401)

18-202. Water supply to comply with legal requirements; to establish program. The Morristown public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1979 Code, § 8-402, modified)

18-203. Grounds for denial of water service. The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Morristown Water System, shall be grounds for denial of water service. If proper protections have not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1979 Code, § 8-403)

18-204. Cross-connections, etc., unlawful except under certain conditions. It shall be unlawful for any person to cause a cross connection, auxiliary intake, by-pass, or interconnection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Public Health and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the

direct supervision of the general manager of the Morristown public water supply. (1979 Code, § 8-404)

18-205. Certain persons to file statements of non-existence of cross-connections, etc. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the general manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1979 Code, § 8-405)

18-206. Inspections. It shall be the duty of the Morristown Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be as established by the general manager of the Morristown Public Water Supply approved by the Tennessee Department of Public Health. (1979 Code, § 8-406)

18-207. Right of entry--obtaining information. Both the general manager and/or plumbing inspector or their authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Morristown public water supply for the purpose of inspecting the piping system thereof for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspections agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1979 Code, § 8-407)

18-208. Existing cross-connections, etc.--reasonable time to remove. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the general manager of the Morristown Public Water Supply. (1979 Code, § 8-408)

18-209. Protective devices--when required, installation, testing. Where the nature of use of the water supplied on premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation,
- (2) That the owner and/or occupant of the premises cannot, or is not willing to, demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply,
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing,
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The general manager of the Morristown Public Water Supply, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the general manager of the Morristown Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

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

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the general manager of the Morristown Water Supply shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Morristown Public Water Supply. (1979 Code, § 8-409)

18-210. Protection from contamination--warning signs. The potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified herein. Any water outlet

which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1979 Code, § 8-410)

18-211. Penalties. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) not more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. (1979 Code, § 8-411)

18-212. Backflow prevention devices--failure to maintain, bypassing, altering, etc. If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise the removal, bypassing, or altering the protective device(s) or the installation thereof so as to render the device(s) 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 Morristown public water supply. (1979 Code, § 8-412)

18-213. Chapter to apply to all premises served by the Morristown water supply. The requirements contained herein shall apply to all premises served by the Morristown 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. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Morristown corporate limits. (1979 Code, § 8-413)

18-214. Establishment of cross-connections, backflow, and back-siphonage control board. (1) When established, the Morristown Backflow and Back-siphonage Control Board hereinafter referred to as the "the board" shall be composed of the following: Two representatives of the water department, one member of the plumbing inspection department, one member from the health department, one attorney licensed to practice law in Tennessee, one representative of industry at large. The term of office for these members

shall be as established under the applicable procedure of the government authority.

(2) The board shall select annually a chairman from among its members. The board shall hold at least four (4) regular meetings each year and such additional meetings as the chairman deems necessary. All hearings shall be held before not less than a majority of the board.

(3) In addition to the other duties set forth in the appendix to the plumbing code, the board is hereby vested with the authority to decide appeals from any decisions, ruling or determinations of the inspection agency.

(4) Any person seeking a variance from the provisions of this appendix or any person taking exception to and who is uniquely affected by any decisions, ruling, requirement, rule, regulation, or order of the inspection agency may take an appeal to the board as established by this action. Such appeals shall be made within fifteen (15) days after receiving notice of such decision, ruling, requirement, rule, regulation, or order by filing a written notice of appeal directly to the board specifying the ground thereof and the relief requested. Such an appeal shall act as a stay of the decision, ruling, requirement, rule, regulation or order in question until the board has taken final action on the appeal, except when the inspection agency has deemed that a high hazard risk is involved. The board, not less than thirty (30) days after the date of filing an appeal, shall set a date for the hearing and shall give notice thereof by mail to the interested parties.

(5) Hearings before the board shall be conducted in the following manner:

(a) The chairman of the board shall act as the hearing examiner to conduct such hearings.

(b) Any person making an appeal who is uniquely affected by the action of the inspector agency may appear in person or by agent or attorney and present evidence both written and oral pertinent to the question and issues.

(c) All testimony shall be under oath and recorded. The board is authorized to have all the testimony transcribed and a transcript of such testimony, if transcribed, shall be made available to the respondents or any party to the hearing upon payment of the normal fee, which shall not exceed the cost of transcribing such testimony.

(d) After due consideration of the written and oral statements, the testimony and arguments submitted at the hearing upon such complaint or upon default in appearance of the respondent of the return date specified in the formal notice of complaint, the Board shall issue and enter such final order or make such final determination as it shall deem appropriate and shall immediately notify the respondent thereof, in writing, by certified mail. Such order or determination shall be approved by at least a majority of members of the board.

(e) Upon failure of the board to enter a final order or determination within sixty (60) days after the final argument of any such hearings, the respondent shall be entitled to treat for all purposes such failure to act as a finding favorable to the respondent.

(f) Any person aggrieved by any final order or determination of the board hereunder may seek judicial review thereof by common law writ of certiorari. No judicial review shall be available until and after all administrative remedies have been exhausted. (1979 Code, § 8-414)

CHAPTER 3

SEWER CHARGES¹

SECTION

- 18-301. Imposed; amount.
- 18-302. Monthly billing and collection.
- 18-303. Discontinuance of water service for failure to pay sewer charges.
- 18-304. Adjustments in charges.
- 18-305. Transfer to city of delinquent charges.
- 18-306. Monthly reports and payments to city by board of electric light and waterworks commissioners.
- 18-307. Percentage of charges collected to be retained by board of electric light and waterworks commissioners.
- 18-308. Recorder to keep sewer charges in separate accounts.
- 18-309. Sewer connection fee.

18-301. Imposed; amount. There is hereby made, declared, created, adopted, imposed, and levied a fee, toll, rental, or charge upon all persons or other legal entities using, having available for use, or hereafter connecting to or with the sanitary sewer system of the city and upon all persons or other legal entities owning or using improved property abutting on any street, alley, road, or highway where a sanitary sewer line is now or hereafter installed an amount per month, as set out in this section, to be paid and collected as provided by this chapter:

(1) Residential, commercial, and industrial users. Residential, commercial, and industrial users shall pay a monthly sewer charge of \$.41 per thousand gallons of potable water used.

(2) Other consumer units. Each consumer unit of a mobile home park, multiple-unit dwelling, or housing authority using a common meter or meters shall pay a minimum monthly sewer charge of one dollar and fifty cents.

(3) Industrial surcharge. When B.O.D. and suspended solids concentrations from a user exceed 300 mg/l, a surcharge shall be added to the base charge in accordance with the following equation:

¹Private Acts reference

Powers of the city relative to the sewage system: Priv. Acts 1955, ch. 371.

Municipal code reference

Sewage disposal: title 18, chapter 1.

$$\text{Surcharge} = \frac{(8.34) (F) (E) (.5A)}{(8.34) (C) (B)} + \frac{(8.34) (G) (E) (.5A)}{(8.34) (D) (B)}$$

Where: A = Average monthly operation and maintenance cost B.O.D. and S.S.
 B = Sewer plant total monthly flow (mil. gal.)
 C = Sewer plant average B.O.D. (mg/1)
 D = Sewer plant average S.S. (mg/1)
 E = Industry total monthly flow (mil. gal.)
 F = Industry average B.O.D. minus 300 (mg/1)
 G = Industry average S.S. minus 300 (mg/1)

This subsection will become effective and shall be employed January 1, 1977.

(4) Industrial cost recovery. In addition to other charges set forth herein, a sum shall be charged monthly on a pro-rata basis to industrial users which shall be sufficient to re-pay the United States of America on a payment basis formulated by the Environmental Protection Agency, the capital it has lent the city for construction of city's sewage system as it relates to industrial use only. This subsection will become effective and shall be employed January 1, 1977.

(5) Outside city customers. Outside city customers will be charged at twice the inside rate for the class they belong to as listed above. (1979 Code, § 13-201)

18-302. Monthly billing and collection. The board of electric light and waterworks commissioners shall bill and collect sewer charges for the city from all customers who receive water service and are subject to the sewer charges imposed by this chapter. The board shall include such sewer charges as a designated item on its water service bills each month, following the same procedure it uses in billing and collecting water charges. (1979 Code, § 13-202)

18-303. Discontinuance of water service for failure to pay sewer charges. The board of electric light and waterworks commissioners shall discontinue water service to any customer for failure to pay the sewer charge, and shall not connect or re-establish water service for a customer who owes a delinquent sewer charge until such sewer charge has been paid. (1979 Code, § 13-203)

18-304. Adjustments in charges. The board of electric light and waterworks commissioners shall make adjustments in the sewer charge in the same manner as adjustments are granted to water customers for over or under registration of meters, leaks, or other recognized adjustments. (1979 Code, § 13-204)

18-305. Transfer to city of delinquent charges. The board of electric light and waterworks commissioners shall transfer to the city, when requested in

writing to do so, sewer charges more than sixty days delinquent. (1979 Code, § 13-205)

18-306. Monthly reports and payments to city by board of electric light and waterworks commissioners. The board of electric light and waterworks commissioners shall render to the city council monthly, on or before the twentieth day of each month, reports as to gross billing, the amounts of adjustments, and uncollected bills and pay over to the recorder the net amount collected from sewer charges. (1979 Code, § 13-206)

18-307. Percentage of charges collected to be retained by board of electric light and waterworks commissioners. The board of electric light and waterworks commissioners shall retain from the amounts collected under this chapter actual expense to cover the costs of billing, collecting, reporting, paying over the funds and performing the duties imposed upon such board by this chapter. (1979 Code, § 13-207)

18-308. Recorder to keep sewer charges in separate accounts. The recorder shall keep the funds received from sewer charges in separate accounts, as set out in § 9 of the resolution adopted by the city council on May 15, 1959, being entitled a "Resolution Authorizing the Sale of Issuance of \$650,000.00 Sewer Revenue and Tax Bonds of the Town of Morristown" which resolution appears of record in the minutes of the city council in Minute Book 14 at page 40, to which reference is here made for its specific provisions. (1979 Code, § 13-208)

18-309. Sewer connection fees. The following sewer connection fees are hereby imposed upon all persons and legal entities connecting to the city sewer system under the following conditions:

(1) A new residential, commercial or industrial structure is constructed and connected to the sanitary sewer where no previous structure or connection existed prior to construction.

(2) A new residential, commercial or industrial structure is constructed and connected to the sanitary sewer where a previous structure and/or connection existed, but the original structure was demolished and the sanitary sewer connection abandoned;

(3) An existing residential, commercial or industrial requests a sewer line connection in addition to the existing connection;

(4) The change of occupancy or use of residential, commercial or industrial building will not require an additional connection fee as long as the original structure or structures and the original connection to the sewer line continues in use.

INSIDE CORPORATE LIMITS

OUTSIDE CORPORATE LIMITS

RESIDENTIAL

Residence house \$500.00

Residence house \$750.00

Apartments and condominiums \$500 first unit and \$250.00 each additional unit

\$750.00 first unit
\$375.00 each additional unit

Mobile home parks \$500.00 first unit - \$250.00 each additional unit

\$750.00 first unit
\$375.00 each additional unit

OFFICE PROFESSIONAL AND COMMERCIAL

\$500.00 per floor, except where floor space on any operating level exceeds 10,000 square feet, and in such instance, \$250.00 for each increment of at least 500 square feet of floor space.

\$750.00 per floor, except where floor space on any operating level exceeds 10,000 square feet, and in such instance, \$375.00 for each increment of at least 500 square feet of floor space.

CAR WASHES

\$500.00 per bay

\$750.00 per bay

INDUSTRIAL

\$500.00 per 10,000 square feet of floor space and \$125.00 for each increment of at least 5000 square feet of floor space in excess of 10,000 square feet.

\$750.00 per 10,000 square feet of floor space and \$187.50 for each increment of at least 5000 square feet of floor space.

INSIDE CORPORATE LIMITS

OUTSIDE CORPORATE LIMITS

HOTELS AND MOTELS

\$500.00 for the first unit and \$100.00 for each additional unit.

\$750.00 for the first unit and \$150.00 for each additional unit.

CONGREGATE HOUSING AND BOARDING HOUSES

\$500.00 for the first habitable unit and \$100.00 for each additional habitable unit or for each additional combination of habitable units with a single bath.

\$750.00 for the first habitable unit and \$150.00 for each additional habitable unit or for each additional combination of habitable units with a single bath.

The city shall, at not cost to the applicant, extend its main line for purposes of connection and in accordance with this title, 100 feet for inside

residential use and 200 feet for inside commercial or industrial use. The city administrator is empowered to impose and collect a reasonable fee, in advance, based upon the estimated cost to the city for extending its main line beyond the above prescribed limits and for any extension of its main line outside the corporate limits. The city administrator may impose additional charges or may make refunds, as the case may be, to reflect the actual costs incurred by the city in extending such line.

Exception: For single family residences (excluding duplexes and multi-family) with a 5/8" or 3/4" water meter which are annexed into the City of Morristown, the sewer tap fee will be available for \$500.00 for the first ninety (90) days after annexation is final if sewer is available, or when sewer is not available, within ninety (90) days after sewer is made available to the residence. After the ninety (90) day period, the tap fee will be the current residential tap fee charged for single family residences. The reduced rate tap fees must be used within thirty-six (36) months after issuance, at which time they will expire and the balance of the difference between the reduced rate fee and the current residential tap fee will be due upon connection to the system. Sewer use fees will be charged upon connection to the system or at the end of the ninety (90) day period if connection is not made. (Ord. #2640, July 1991, as amended by Ord. #3104, June 2002)

CHAPTER 4

WATER POLLUTION CONTROL

SECTION

- 18-401. Purpose and objectives.
- 18-402. Scope and administration.
- 18-403. Abbreviations and definitions.
- 18-404. General provisions.
- 18-405. Industrial use of POTW.
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18-401. Purpose and objectives. (1) Purpose. The purpose of this chapter is to provide for the regulation of direct and indirect discharges into municipal waters and sewer systems through the issuance of permits to users and through enforcement of general requirements, to authorize monitoring and enforcement activities, to require reporting from certain classes of users, and to provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter sets forth uniform requirements for all direct and indirect discharges into the waters and the sewer systems of the City of Morristown, Tennessee, and enables the City of Morristown to comply with all applicable state laws, the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR part 403) as amended.

(2) Objectives. The objectives of this chapter include but are not limited to the following:

(a) To protect the employees and agents of the City of Morristown, the general public, and the local environment from potential hazards to human health associated with pollutants which may or could be discharged into the POTW or a receiving stream;

(b) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the system, including interference with its use, or disposal of the resulting biosolids; or which will pass through the system into receiving waters or the atmosphere or otherwise be detrimental to the system or the environment;

(c) To improve the opportunity to recycle and reclaim municipal and industrial wastewaters and biosolids from the system;

(d) To provide for equitable distribution of the capital, operating and maintenance costs of the municipal wastewater system to the uses of the system;

(e) To provide effluent limitations and other discharge criteria, and to provide that certain users shall pretreat wastes to prevent the introduction of pollutants into the POTW or the local environment;

(f) To provide for the assessment of penalties against any person for violations of any provisions set forth in the articles or sections contained herein or as authorized under state laws or federal regulations;

(g) To enable the City of Morristown to comply with its NPDES permit conditions, biosolids use and disposal requirements, and any other federal or state laws. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003)

18-402. Scope and administration. (1) Scope. The scope of this chapter includes but is not limited to the following:

(a) All individuals, corporations and other organizations situated or operating inside the corporate boundaries of the City of Morristown, Tennessee, and to individuals, corporations and other organizations outside the corporate limits of the City of Morristown who are, by contract or agreement with the city, users of the city POTW or who discharge into the waters of the city.

(b) All domestic and non-domestic sources which are transported by truck or rail or otherwise introduced into the POTW or local environment.

(2) Administration. Except as otherwise provided herein, the City Administrator of the City of Morristown, Tennessee, or his designated agent, shall administer, implement and enforce the provisions of this chapter.

(a) In all cases in this chapter, the use of the term "shall" indicates the specified action is mandatory and must be done, while the term "may" is permissive and indicates that the specified action is optional.

(b) In all cases in this chapter, the use of the term "he," "she," "them," "they," "their" or similar terms shall not be specific, but the masculine gender shall include the feminine, and the singular shall include the plural. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003)

18-403. Abbreviations and definitions. (1) Abbreviations. The following abbreviations shall have the designated meanings:

(a) ASTM -- American Society for Testing and Materials

(b) BOD -- Biochemical Oxygen Demand

(c) CAA -- Clean Air Act

(d) CFR -- Code of Federal Regulations

(e) CERCLA -- Comprehensive Environmental Response, Compensation and Liability Act

(f) COD -- Chemical Oxygen Demand

- (g) EPA -- Environmental Protection Agency
- (h) FOG -- Fats, Oils and Grease
- (i) FR -- Federal Register
- (j) GPD -- Gallons per Day
- (k) IU -- Industrial User
- (l) MGD -- Million Gallons per Day
- (m) mg/l -- Milligrams per Liter
- (n) NPDES -- National Pollution Discharge Elimination System
- (o) POTW -- Publicly Owned Treatment Works
- (p) RCRA -- Resource Conservation and Recovery Act
- (q) SARA -- Superfund Amendments and Re-authorization Act
- (r) SDWA -- Safe Drinking Water Act
- (s) SIC -- Standard Industrial Classification
- (t) SWDA -- Solid Waste Disposal Act
- (u) TSS -- Total Suspended Solids
- (v) USC -- United States Code
- (w) WEF -- Water Environment Federation

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

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

(b) "Approval authority." The director in an NPDES state with an approved state pretreatment program or the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(c) "Approved POTW pretreatment program." A program administered by the City of Morristown that meets the criteria established by regulation in 40 CFR Part 403.8 and 403.9 and which has been approved by a regional administrator or state director in accordance with 403.11 of that regulation.

(d) "Authorized representative of IU." An authorized representative of an IU may be an individual or person having overall responsibility for environmental matters for the organization.

(e) "Baseline monitoring report (BMR)." A comprehensive analytical laboratory test performed on a discharge which establishes specific pollutant contributions to the POTW together with any other information required by the control authority or as stated in 403.12(b).

(f) "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

(g) "Building drain." The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and

other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(h) "Building sewer." The extension from the building drain to the public sewer or other place of disposal (also known as a lateral).

(i) "Categorical standards." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter 1, subchapter N, parts 405-471.

(j) "City." The City of Morristown, Tennessee.

(k) "City administrator." The duly authorized representative of the City of Morristown charged with overall daily administration of the general municipal functions of the City of Morristown.

(l) "City engineer." The duly authorized representative of the City of Morristown charged with administration of the engineering functions of the City of Morristown.

(m) "City plumbing inspector." The duly authorized representative of the City of Morristown charged with inspections and approvals of plumbing.

(n) "Color." The optical density at the visual wave length of maximum absorption relative to distilled water.

(o) "Combined sewer." A sewer receiving both surface water runoff and sewage.

(p) "Commercial user." Any person or property occupied by a non-residential establishment not within the definition of an industrial user and which discharges into the POTW.

(q) "Compatible pollutant." Pollutants which the POTW is designed to treat and remove to a substantial degree, including BOD, TSS, FOG, pH and fecal coliform bacteria.

(r) "Composite sample." The sample resulting from the combination of individual wastewater samples collected at selected intervals based on an increment of either time or flow.

(s) "Control authority." The City of Morristown as defined hereinabove or any authorized person acting in its behalf.

(t) "Conventional pollutants." Those pollutants normally found in domestic wastewater including, but not limited to, BOD, TSS, FOG, fecal coliform and pH and other pollutants as designated by the EPA. The thermal component of any discharge shall not be identified as a conventional pollutant.

(u) "Cooling tower." A device that aids in heat removal from water used as a coolant.

(v) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only

pollutant added is heat. Cooling water may not come into direct contact with any raw materials, intermediate products, waste product or finished product.

(w) "Direct discharge." The discharge of treated or untreated water directly to the waters of the city or state.

(x) "Director of wastewater operations." The duly authorized representative of the City of Morristown charged with the administration of the POTW functions of the City of Morristown.

(y) "Discharge." To discard, deposit, inject, dump, spill, pump, pour, leak, drain, emit, empty or otherwise allow the escape or release of pollutants by a person, either intentionally or unintentionally.

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

(aa) "Existing source." Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

(bb) "Garbage." Any animal and vegetable wastes and residual solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products or produce.

(cc) "Grab sample." A sample which is taken from a waste stream without consideration of the flow rate of the waste stream, which is collected over a period of time not exceeding 15 minutes. Grab sampling should be employed where the pollutants being evaluated are those, such as heat, pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, which may not be held for an extended period because of biological, chemical or physical interactions which take place after sample collection that may affect analyses.

(dd) "Grease." A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty materials commonly found in wastewater.

(ee) "Hazardous waste." A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or that may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(ff) "Heavy metals." Metallic elements like arsenic, cadmium, chromium, lead and mercury with high molecular weights.

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

(hh) "Illicit discharge." Any discharge to a separate storm sewer or receiving stream that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.

(ii) "Incompatible pollutants." All pollutants other than compatible pollutants and conventional pollutants as defined herein.

(jj) "Indirect discharge." The introduction of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c), or (d) of the Act, (33 U.S.C. 1317). This includes holding tank wastes discharged into the system for treatment before direct discharge to waters of the state.

(kk) "Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state or local regulations.

(ll) "Industrial surcharge." A cost recovery system establishing a fee to be collected from industrial and commercial users that contribute excessive amounts of compatible pollutants into the POTW.

(mm) "Industrial user (IU)." Any non-residential user of the POTW that is a source of indirect discharge, including but not limited to divisions A, B, D, or E of the SIC manual. Also includes any user that discharges wastewater containing toxic or poisonous substances, as defined in sections 307 and 502 of the CWA, or any substance(s) causing interference with the POTW.

(nn) "Industrial wastes." Liquid wastes from manufacturing processes, trade or business as distinct from sanitary or normal domestic wastewaters.

(oo) "Infectious waste." Any solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease.

(pp) "Inhibitor." Any substance which might impair, effectively reduce or terminate the biological process and/or biological operation of the POTW.

(qq) "Interference." A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use or disposal, or which causes a violation of the POTW NPDES permit or other federal or state regulations.

(rr) "Jurisdiction." All areas within or outside the corporate limits of the City of Morristown, Tennessee, served by the sewers of the POTW.

(ss) "Licensed plumber." Any person skilled in the installation of plumbing and licensed by the City of Morristown.

(tt) "Mass emission rate." The weight of material discharged during a given time interval. Unless otherwise specified, the mass emission rate shall be measured in pounds per day.

(uu) "Maximum allowable instantaneous discharge limit." The maximum concentration of any pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate or the duration of the sampling event.

(vv) "Medical wastes." Isolation wastes, infectious agents, human blood or blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(ww) "Milligrams per liter (mg/l)." A phrase used interchangeable with the phrase "parts per million," and is a metric weight-to-volume ratio. The mg/l value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water or wastewater.

(xx) "Monitoring." Any method of sampling and analyzing waste streams employed by the city to enforce provisions of this chapter.

(yy) "National pollution discharge elimination system (NPDES)." A permit issued pursuant to section 402 of the Act.

(zz) "National pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

(aaa) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(bbb) "New source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the effective date of this chapter.

(ccc) "Normal domestic wastewater." Wastewater excluding industrial wastewater discharged into the sanitary sewers and in which the average concentration of total suspended solids (TSS) does not exceed 250 mg/l, and biochemical oxygen demand (BOD) does not exceed 250 mg/l, and grease (FOG) does not exceed 100 mg/l.

(ddd) "Pass through." A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(eee) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate,

governmental entity or any other legal entity or their legal representatives, agents or assigns.

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

(ggg) "Point source." Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(hhh) "Pollutant." Any dredged spoil, solid wastes, hazardous or infectious wastes, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, landfill leachate, petroleum residuals, heat, color, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, commercial, municipal and agricultural waste discharged into water.

(iii) "Pollution." The man-made or man-induced alteration of the chemical, physical, or biological properties of water, including but not limited to increased carcinogenicity, teratogenicity, mutagenicity, toxicity, radioactivity or changes in temperature, anesthetics and usability.

(jjj) "POTW treatment plant." That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(kkk) "Pretreatment." The reduction, elimination or alteration of pollutants prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. Pretreatment may be by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR section 403.6(d).

(lll) "Pretreatment coordinator." The person designated by the city who is charged with certain duties and responsibilities regarding pretreatment of discharges set forth in this chapter, or his duly authorized representative.

(mmm) "Pretreatment program." The rules and regulations and/or ordinances of the City of Morristown regulating the discharge and treatment of industrial waste which complies with Tennessee Code Annotated, title 69, chapter 3, part 1, 33 U.S.C. section 1251 et. seq., and 40 CFR section 403.1 et seq.

(nnn) "Pretreatment requirements." Any substantive or procedural requirement imposed by the city related to pretreatment, other than a National Pretreatment Standard.

(ooo) "Pretreatment standards." Prohibitive discharge standards, categorical pretreatment standards and local limits.

(ppp) "Priority pollutants." Any of the priority pollutants as defined by the Act, which are known to be present in point source effluents, in the aquatic environment, in fish and in drinking water.

(qqq) "Private disposal system." A facility owned, operated and maintained by any person, individual, firm, company, association, society, corporation or group for the purpose of collecting and disposing of sewage within the property owned, occupied or used by said person.

(rrr) "Prohibited damage." Absolute prohibition against the discharge of certain substances.

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

(ttt) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the city. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances connected to a facility providing treatment. The term also means the municipality which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(uuu) "Public sewer." A sewer which is controlled by public authority and to which the public may have access under the terms and conditions established by the city.

(vvv) "Receiving stream." The natural stream or watercourse that accepts any liquid discharge.

(www) "Sanitary sewer." A sewer which carries normal domestic sewage and to which storm, surface and groundwaters are not intentionally admitted.

(xxx) "Separate storm sewer." A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, owned or operated by the state or city or other public body having jurisdiction over storm water or other wastes that discharge into waters of the United States which are designed or used for collecting or conveying storm water, and which are not combined sewers and are not part of the POTW.

(yyy) "Septic tank waters." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

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

(aaaa) "Significant industrial user (SIU)." Except as provided in 403.3(t)(2), the term significant industrial user means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and any other industrial user that is designated as such by the city. A significant industrial user shall be any user that:

(i) Discharges 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant(s); or

(iii) Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

(bbbb) "Significant noncompliance." Continued violation of the provisions of this chapter. Any user meeting any one of the conditions listed in § 18-408, Enforcement provisions, shall be considered to be in significant noncompliance.

(cccc) "Slug." Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow which could cause violation, or discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

(dddd) "Solid waste." Any garbage, refuse, biosolids from waste treatment, water supply treatment or air pollution control facilities and other discarded material, including solid, liquid, semisolid, or contained gaseous materials. Under RCRA, if a business generates any material that is discarded or disposed of, it must determine if that material is a "solid waste" according to the regulatory definition.

(eeee) "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.

(ffff) "State." The State of Tennessee.

(gggg) "Storm drains (also known as storm sewers)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(hhhh) "Storm water." Any runoff, snow melt runoff, surface runoff and drainage flow occurring during or following any form of natural precipitation.

(iiii) "Substantial change." Any increase or decrease of twenty percent (20%) or more in permitted average monthly flow, BOD, TSS or any permitted constituent of the waste stream. This includes the

addition or removal of waste streams to the permitted streams, or the addition or removal of waste constituents. A substantial change is of a planned continuous nature, and this definition does not apply to normal instantaneous variations.

(jjjj) "Surcharge." See industrial surcharge.

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

(llll) "Total toxic organics (TTO)." The sum of the masses or concentrations of specific toxic organic compounds found in any discharge at a concentration greater than .01 mg/l. Each categorical pretreatment standard lists the specific toxic pollutants that are to be included in the summation to define TTO for the category. The city may require that all priority pollutants be included in this summation.

(mmmm) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the EPA under the provision of CWA 307 (33 USC 1317) or other Acts.

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

(oooo) "Unpolluted wastewater." Water containing no free or emulsified grease or oils, no acids or alkalis, no phenols or other substances in suspension, colloidal state or solution, no noxious or other obnoxious gases, and insignificant amounts TSS and BOD as determined by approved analytical methods.

(pppp) "Used oil." Any oil that has been refined from crude oil, used and, as a result of such use, contaminated by physical or chemical impurities. Used oil includes spent automotive lubricating oils, transmission fluid, brake fluid and off-road engine oil; spent industrial oils, including compressor, turbine and cleaning oils, hydraulic oils, metal working oils, gear oil, electrical oils, refrigerator oils and railroad drainage or spent industrial process oils.

(qqqq) "User." any person who contributes, causes or permits the contribution of wastewater into the city POTW.

(rrrr) "Wastewater." See sewage.

(ssss) "Wastewater constituents and characteristics." The individual chemical, physical, biological, or radiological parameters, including temperature and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater and the potential effect of the POTW.

(tttt) "Wastewater permit." Written consent of the city to discharge wastewater into POTW as set forth in certain article(s) and/or section(s) of this chapter.

(uuuu) "Water course." See receiving stream.

(vvvv) "Waters of the state or city." All creeks, streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Tennessee or the City of Morristown or any portion thereof. (Ord. #2715, Jan. 1995, as replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

18-404. General provisions. (1) Connection to public sewers. Unless specifically authorized otherwise by this chapter, the State of Tennessee, or regulations of the United States of America, it shall be unlawful for any person to place, deposit, or permit to be deposited or discharged in any manner on public or private property within the boundaries of the city, or in any area of jurisdiction of the city, any waste products, including but not limited to wastewater, industrial waste or other polluted liquids, any human or animal excrement, garbage, or other pollutant or objectionable substance. Nor shall the activity described in this paragraph take place into or adjacent to any natural outlet, watercourse, storm sewer or other area within the jurisdiction of the city. Discharges into the city waters, sewers or the POTW are not authorized unless approved by the city in accordance with specific articles and provisions of this chapter.

(a) All houses, buildings, structures or properties of any type used for human occupancy, employment, recreation or other purposes, situated within the city or within an area where city sanitary sewer service is available, and abutting on any street, alley, easement or right-of-way in which there is now located a public sanitary sewer, is hereby required to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter. Said connection must be made within ninety (90) days after the date of official notice to connect, provided that said public sewer is within two hundred (200) horizontal feet (61 meters) of the house, building, structure or property used for human occupancy, employment, recreation or other purposes. Sewer use fees will be charged beginning at the time of connection or at the end of the ninety day period, which ever occurs first.

(b) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage or other wastewater if public sewer is available. The disposal of wastewater by means other than the use of a sanitary sewage system

shall be in accordance with applicable local, county, state and federal laws, rules and regulations. The disposal of wastewater by private disposal systems shall be permissible only in those instances where service from the public sanitary sewer system is not available.

(c) A separate and independent building sewer shall be provided for every building or structure, except when one building or structure stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except when monitoring is required. In such case, both building discharges must be monitored separately.

(d) Existing building sewers may be reused in connection with new buildings or structures only when they are found, on examination and test, to meet all requirements of this chapter and applicable plumbing codes.

(e) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, back-filling the trench and connection to the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city or the procedures set forth by ASTM and the WPCF manual of practice No. 9. All such connections shall be made gas-tight and watertight.

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

(g) The applicant for the building sewer permit shall notify the city plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city plumbing inspector. No work shall be covered until this inspection is made and the work is approved.

(h) 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 work shall be restored in a manner satisfactory to the city.

(i) The owner of any building or buildings which are connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the city. All costs and expense incident to the installation and construction of the building

sewer shall be born 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.

(j) No person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.

(k) Any user proposing to perform work in an easement, an alley, street right-of-way, or other publicly owned property shall be required to obtain a street-cut permit at least three (3) calendar days prior to beginning work. A street-cut permit shall require the posting of security with the city to assure that all work is in compliance with the provisions of this chapter and other city rules and regulations. A street-cut permit may be obtained at the office of the city engineer.

(l) The city may, at no cost to the user, extend a sewer main line for purposes of connection, not to exceed 100 feet for residential users and not to exceed 200 feet for commercial or industrial users unless other agreement is negotiated with city. The city is hereby empowered to impose and collect a reasonable fee, in advance, based upon the estimated cost to the city for extending its main line beyond the above-prescribed limits. The city may impose additional charges or may make refunds, as the case may be, to reflect the actual costs incurred by the city in extending such line.

(m) The city may, at its discretion, extend sewer service to residential, commercial and industrial users located outside the corporate boundaries of the city. Any user located outside the corporate boundaries of the city shall pay the sewer connection charges and all other fees established herein for inside city users at a higher rate to adequately compensate the city for utilization of POTW capacity and excess operating and maintenance cost.

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

(o) It shall be unlawful to discharge to any natural outlet within the boundaries of the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment approved by the appropriate governmental agencies has been provided in accordance with the provisions of this chapter and the rules and regulations established by the State of Tennessee and the United States of America.

(p) The city shall monitor the POTW influent on a quarterly basis for each parameter listed in Appendix A, "Headworks Loading Parameters," and shall monitor the POTW influent on an annual basis for

EPA listed priority pollutants. In the event that the POTW influent reaches or exceeds the levels established by Appendix A for two consecutive monitoring events, the city shall initiate technical studies to determine the cause of the excessive influent loading, and shall take such remedial measures as are necessary, including the establishment of new or revised pretreatment levels for these parameters. The city may change any of the criteria stated in this chapter in the event the POTW effluent standards are changed, or in the event that there are changes in any applicable law or regulation affecting biosolids use or disposal options, or in the event changes are needed for more effective operation of the POTW.

(q) The city shall conduct surveys of all commercial and industrial users as needed to obtain current information relative to the nature and characteristics of any discharge to the POTW, but in no case shall the surveys be conducted less frequently than every five years.

(2) Permits. All users proposing to connect to or contribute pollutants into the POTW or waters of the city shall obtain a wastewater discharge permit before connecting to or contributing a discharge of pollutants to the POTW or waters of the city.

(a) Residential permits shall be issued on a permanent basis, and may be transferred automatically with the property without notification to the city when a change in ownership occurs.

(b) Commercial, industrial and special permits shall be issued for a specific 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 a permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as required to assure continued compliance with all federal and state permit conditions. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(c) Wastewater discharge permits are issued to a specified 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 prior written authorization from the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(d) There are hereby established four (4) classes of permits for users proposing to connect to or contribute pollutants into the POTW or waters of the city. These permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(i) Class I -- residential permits. Each residential user shall submit a written application to the city for permission to discharge into the public sewers and shall present all necessary plans, documents or schedules at the time of application. The application shall be accompanied by the appropriate sewer connection fee and permit fees, and shall be signed by the licensed plumber responsible for the work to be performed. The work done under the permit shall be supervised by the city plumbing inspector.

(ii) Class II -- commercial permits. Each commercial user shall submit a written application to the city for permission to discharge into the public sewers and shall present all necessary plans, documents or schedules at the time of application. The application shall be accompanied by the appropriate sewer connection fee and permit fees, and shall be signed by an authorized representative of the organization. The work done under the permit shall be supervised by the city plumbing inspector. The commercial permit shall be subject to annual renewal fees for the duration of the permit as defined below.

(A) All commercial users that discharge only normal domestic wastewater shall be classified as Type 1, and shall not be subjected to annual renewal fees for the duration of the permit.

(B) All commercial users that discharge liquid wastes from manufacturing processes, trade or business, as distinct from sanitary or normal domestic wastewater, shall be classified as Type 2, and shall be subjected to annual renewal fees for the duration of the permit. Existing Type 2 commercial users shall apply for a Class II commercial permit within 60 days after the effective date of this chapter, but in no case later than 30 days after being requested in writing to do so by the city.

(C) All commercial users discharging fats, oils, or grease (FOG) shall be classified as Type 3, and shall be subjected to annual renewal fees for the duration of the permit. Existing Type 3 commercial users shall apply for a Class II commercial permit within 60 days after the effective date of this chapter, but in no case later than 30 days after being requested in writing to do so by the city. All Type 3 commercial users shall be required to provide, operate, and maintain an approved oil, grease, or sediment trap at the commercial user's expense.

(1) Existing oil, grease or sediment traps.
Existing commercial users who have an oil, grease or

sediment trap on their premises who are not currently permitted shall apply for a Class II commercial permit within 60 days after the effective date of this chapter, but in no case later than 30 days after being requested in writing to do so by the city.

(2) New oil, grease or sediment traps. Oil, grease or sediment traps shall be required to be installed at all restaurants with more than four seats, all locations where more than four vehicles or equipment are washed or maintained, and any other location where such traps are necessary that may be determined by the city engineer. Users of proposed new installations of oil, grease or sediment traps shall apply for a Class II commercial permit at least 30 days prior to connecting to or contributing pollutants to the POTW and/or the local environment.

(iii) Class III -- industrial permits. Each industrial user (IU) shall submit a written application to the city for permission to discharge into the public sewers and POTW and shall present all necessary plans, documents or schedules at the time of application. The application shall be accompanied by the appropriate sewer connection fees and permit fees, and shall be signed by an authorized representative of the organization. The work done under the permit shall be subject to annual renewal fees for the duration of the permit. Existing industrial users shall apply for a Class III industrial permit within 90 days after the effective date of this chapter, but in no case later than 30 days after being requested in writing to do so by the city. Proposed new industrial users shall apply for a Class III industrial permit at least 90 days prior to connecting to or contributing pollutants to the POTW and/or the local environment.

(iv) Class IV -- special permits.

(A) Septic tank pumpers.

(1) Each septic tank pumper shall submit a written application to the city for permission to discharge into the POTW. The application shall be accompanied by the appropriate permit fee, and shall be subject to annual renewal fees for the duration of the permit. Existing septic tank pumpers shall apply for a Class IV permit within 30 days after the effective date of this chapter, but in no case later than 30 days after being requested in writing to do so by the city. Proposed new users shall apply for a

Class IV permit at least 30 days prior to contributing pollutants to the POTW.

(2) All septic tank pumpers shall register each vehicle which will discharge loads into the POTW. This registration process shall be in addition to any other requirements of the Hamblen County Health Department or any other regulatory agency, and shall be in a form and manner established by the city. Each vehicle shall have the city registration number clearly displayed on both sides and rear of the vehicle.

(B) Non-residential batch wastes. Any user proposing to discharge non-residential batch wastes into the POTW shall submit a written application to the city for permission to discharge into the POTW. The application shall be accompanied by the appropriate permit fee. Each individual container of non-residential batch waste shall be subject to the permit fee. Each individual container of non-residential batch waste shall be subject to the permit fee. All non-residential batch waste loads to be discharged to the POTW must comply with any applicable pretreatment standard or requirements which would normally be applied to the source of the waste if discharged indirectly. Any wastes delivered to the POTW by truck, rail, dedicated pipeline, or septage wastes derived from non-household sources are regulated under RCRA provisions and may meet the definition of hazardous wastes. Any waste classified as hazardous wastes shall not be accepted for discharge into the POTW.

(C) Groundwater remediation projects. Any user proposing to discharge wastewater from any groundwater remediation project into the POTW shall submit a written application to the city for permission to discharge into the POTW. The application shall be accompanied by the appropriate permit fee and shall be subject to annual renewal fees for the duration of the permit. Existing groundwater remediation projects shall apply for a Class IV permit within 30 days after the effective date of this chapter, but in no case later than 30 days after being requested to do so by the city. All wastewater from any groundwater remediation project must be metered at the discharge point to determine the flows into the POTW, and the user must pay the appropriate user and surcharge fees on a monthly basis. The discharge must be tested initially

and on a monthly basis for BTEX, TPH, pH, TSS and FOG. The city reserves the right to require testing for additional pollutants as deemed necessary to protect the POTW. The cost of all analyses conducted, either by the groundwater remediation project or the city, shall be the responsibility of the groundwater remediation project.

(v) Appeals. Any user may appeal the provisions of the wastewater discharge permit issued to that user within 30 days of the effective date of issuance of the permit. The user must state in writing the specific provision or provisions of the permit that are being appealed, and the specific reason or reasons that the provision or provisions of the permit are inappropriate or inapplicable to the user. The city will respond in writing to any appeal by a user within 30 days, either modifying the permit or denying the appeal. The original provisions of the permit as issued shall remain in effect during the review period.

(3) Permitted discharges. In order to comply with the overall intent of the Act, that being to process toward the "National Goal" of eliminating the discharge of pollutants, BOD, TSS and FOG are hereby regulated as conventional pollutants as identified in section 304(a)(4) of the Act. Surcharges for excess BOD, TSS and FOG will be assessed in accordance with § 18-409(5), Fees and charges, of this chapter.

(4) Prohibited discharges. (a) No person or user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without written authorization from the city.

(b) No person or user shall make connection of roof down-spouts, exterior foundation drains, area 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.

(c) No person or user shall introduce into a POTW any pollutant(s) which cause interference, pass through, or are otherwise incompatible with such works.

(d) No person shall discharge or cause to be discharged into a public sewer, a POTW, or any receiving stream any of the following described pollutants.

(i) Pollutants in the form of any liquids, solids or gases which by reason of nature or quantity or may be sufficient alone or by interactions with other substances to cause fire or explosion hazard or be injurious in any way to the POTW, including but not limited to, wastestreams with a closed cup flash-point of less than 140 Fahrenheit (60 C) using the test methods specified in 40 CFR 261.21. In addition, at no time shall two (2) successive readings on

an explosive hazard meter, at any point of the discharge into the system (or any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

(ii) Pollutants which may cause corrosive structural damage to the public sewers or the POTW, or a hazard to equipment or personnel of the system, but in no case shall any discharge have a pH lower than 5.0 or higher than 10.0, nor can the pH fluctuate more than one unit per hour.

(iii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of a wastewater treatment facility.

(iv) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or in interaction with other substances, will cause interference with the POTW or constitute an adverse environmental impact.

(v) Discharges with elevated temperatures which may accelerate the biodegradation of the wastes, creating noxious or corrosive gases to form in the public sewer or POTW, or which may inhibit biological activity in the system resulting in interference, but in no case shall the temperature at the user discharge point exceed 140 degrees fahrenheit (60 deg. C), nor shall the temperature of the influent measured at the POTW exceed 104 degrees fahrenheit (40 degrees C).

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

(vii) Pollutants which contain noxious, malodorous gases or substances in quantities that would create a public nuisance or hazard to life, or that might result in the creation of toxic gases, vapors or fumes within the POTW in a quantity that may result in nuisance or threaten worker health and safety.

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

(ix) Any wastewater containing any radioactive waste, or any radiological, chemical, or biological warfare agent(s) that exceeds limits established by the city or applicable state or federal regulations.

(x) Polycyclic aromatic hydrocarbons, including but not limited to: Acenaphthene, Acenaphthylene, Anthracene, Benzo (A) Anthracene, Benzo (B) Fluoroanthene, 3, 4-Benzofluoroanthene, Benzo (GHI) Perylene, Benzo (A) Pyrene, Chrysene, Dibenzo (A, H)

Anthracene, Fluoranthene, Fluorene, Ideno (1, 2, 3-CD) Pyrene, Naphthalene, Phenanthrene or Pyrene.

(xi) Pesticides, including but not limited to: Acrolein, Aldrin, BHC (Alpha), BHC (Beta), BHC (Gamma) or Lindane, BHC (Delta), Chlordane, DDD-4,4', DDE-4,4', DDT-4,4', Dieldrin, Endosulfan (Alpha), Endosulfan (Beta), Endosulfan Sulfate, Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, Isophorone, TCDD or (Dioxin) or Toxaphene.

(xii) Polychlorinated Biphenyls (PCB's), including but not limited to: PCB-1016 (Arochlor 1016), PCB-1221 (Arochlor 1221), PCB-1232 (Arochlor 1232), PCB-1242 (Arochlor 1242), PCB-1248 (Arochlor 1248), PCB-1254 (Arochlor 1254) or PCB-1260 (Arochlor 1260).

(xiii) Wastewater containing any element or compound which is not adequately removed by the city POTW which is known to be an environmental hazard, including but not limited to those listed in any federal regulation (i.e., Priority Pollutants found in the CWA, SWDA, RCRA, CERCLA, SERA, CAA or other federal or state laws).

(xiv) Wastewater containing a discoloration or any other condition in the quality of the POTW effluent such that receiving water quality requirements cannot be met.

(xv) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(5) Hazardous wastes. It is the intent of the city, and of this chapter, not to accept hazardous waste discharges via truck, rail or dedicated pipeline at the POTW, and the city will monitor such discharges to determine if such wastes meet the definition of hazardous waste.

(a) Septage wastes derived from household sources are specifically excluded from regulation as hazardous wastes. Household wastes include materials such as garbage, trash and sanitary wastes derived from residences, including single and multiple family dwelling units, hotels and motels, bunk houses, ranger stations, crew quarters, picnic grounds, and day-use recreation areas. These wastes may be accepted for treatment.

(b) The regulatory status of residual waste from solid waste management facilities, such as landfills, are determined by the types of waste managed at the facility. Under the RCRA exclusion for household wastes, leachate and residuals resulting from the treatment, storage and disposal of household waste are exempt from regulation as hazardous waste.

(i) Where the solid waste management facility also accepts non-household waste such as industrial or commercial

wastes, the residual wastewater may be deemed hazardous if it exhibits any characteristic of a hazardous waste. (Ord. #2715, Jan. 1995, as amended by Ord. #3005, Sept. 1999, and replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

18-405. Industrial use of POTW. (1) Discharge standards. This section establishes limitations and prohibitions on the quantity and quality of water and wastewater which may be lawfully discharged to the POTW or the local environment by an industrial user. The specific limitations set forth in Appendix B, "Discharge Standards" are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect public health and environment and to enable the city to meet requirements contained in its (NPDES) permit and any other state law or federal regulations concerning the discharge of pollutants. If in establishing discharge restrictions, limits or any other pretreatment requirements pursuant to this chapter, conflicts occur between the requirements and limitations on discharges of State of Tennessee agencies or federal agencies, the more stringent requirements and limitations shall be applicable.

(2) National categorical pretreatment standards. National categorical pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new IUs in specified industrial subcategories have been and continue to be established for certain classes of IUs as separate regulations under the appropriate subpart of 40 CFR chapter 1, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in 40 CFR part 403 and are hereby incorporated into this chapter by reference. If an existing IU adds or changes a process or operation which may be included in a subcategory, the existing IU must request this certification prior to commencing discharge from the added or changed processes or operation. A new source must request this certification prior to commencing discharge.

(a) When the limits in categorical pretreatment standards are expressed only in terms of pollutant per unit of production, the city may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day of effluent concentration for purposes of calculating effluent limitations applicable to IUs. The equivalent mass-per-day limitation shall be calculated by multiplying the limits in the standard by the IU's average rate of production, based upon a reasonable measure of the user's actual long-term daily production, such as the averaged daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(i) The equivalent concentration limitations shall be calculated by dividing the mass limitation by the average daily flow rate of the IU's regulated process wastewater. This average

daily flow rate shall be based upon a reasonable measure of the IU's actual long term average daily flow rate, such as the average daily flow rate during the representative year.

(ii) Equivalent limitations calculated shall be deemed pretreatment standards for the purposes of section 307(d) of the Act and 40 CFR 403.6. IUs will be required to comply with the equivalent limitations in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived.

(iii) When categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly or 4-day average, limitations, the same production or flow figures shall be used in calculating both types of equivalent limitations.

(iv) Any IU operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the city within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month.

(b) Where a process effluent is mixed prior to the pretreatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the city, or by the IU with the written concurrence of the city. These alternative limits shall be applied to the mixed effluent. The city or IU shall calculate both an alternative daily maximum value and an alternative consecutive sampling day average value using the monthly value(s). The IU shall comply with alternative limits fixed by the city until the city modifies the limits or approves an IU modification request. Modification is authorized whenever a material or significant change in the values used in the calculation to fix such limit occurs. An IU must immediately report any such change to the city. Where appropriate, new alternative categorical limits shall be calculated within thirty (30) days. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(3) Slug loading and accidental discharge requirements. All IUs shall prepare a plan to prevent or control accidental spills or slug discharges of prohibited materials or other substances regulated by this chapter and shall submit said plan to the city for review and approval. An approved plan to prevent or control accidental spills or slug discharges of prohibited materials shall be on file with the city before any IU may discharge to the POTW 90 days after the effective date of this chapter. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility of any physical or environmental damage that might result from accidental spills or

slug discharges of prohibited materials. The approved plan must be evaluated by the IU on an annual basis, and approval of the city must be renewed every two years. The plan shall include, as a minimum, a description of discharge practices, including non-routine batch discharges and a description of all stored chemicals or other materials that could be accidentally discharged to the POTW. In addition, the plan should include procedures for immediately notifying the POTW of any accidental or slug discharge, and procedures to prevent adverse impact to the POTW or the environment from any slug or accidental discharge.

(a) In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions. The POTW shall keep a log of such events.

(b) Within five (5) calendar days following an accidental discharge, the IU shall submit to the city a detailed written report describing the cause of the discharge and the measures taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any liability which may be incurred as a result of the accidental spill or slug discharge of prohibited materials, nor shall notification relieve the IU of any fines, civil penalties, or other damages which may be imposed by any applicable regulations or laws.

(c) A notice shall be permanently posted at a prominent place in the IUs facility advising employees whom to call in the event of accidental spills or slug discharges of prohibited materials. IUs shall insure that all employees who may cause or allow such a discharge to occur are advised of the emergency notification.

(4) Pretreatment facilities. Industrial users shall be required to perform any industrial pretreatment whenever necessary to reduce or modify the user's wastewater constituency, or stormwater runoff, to achieve compliance with this chapter, to meet applicable national pretreatment standards, or to meet any other provision or wastewater condition or limitation contained in the user's wastewater discharge permit. Any IU required to pretreat shall provide necessary treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards and requirements within the time limitations as specified by the federal pretreatment regulation or by the city, whichever is sooner.

(a) Any pretreatment facilities required by an IU to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the IU's expense. Any pretreatment facility must be operated by a state certified wastewater operator if deemed appropriate by the city. In the event that the city requires an IU to provide a certified operator for a pretreatment facility, the IU will be required to provide the operator within 12 months after receiving written notification from the city that a certified operator is required.

(b) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be approved by the city before construction. The review of such plans and operating procedures will in no way relieve the IU from the responsibility of providing facilities as necessary to produce an effluent acceptable under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the city prior to the initiation of the changes.

(i) Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 403.6(e).

(5) Dilution prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with limitations contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the city or state. (Ord. #2715, Jan. 1995, as replaced by Ord. #3140, July 2003)

18-406. Special use of POTW. (1) Intermittent and special discharges. This section establishes limitations and prohibitions on the quantity and quality of water and wastewater which may be discharged to the POTW or the local environment on an intermittent basis under special circumstances by various classes of users. The specific limitations set forth in subsequent sections are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect public health and environment, and to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System (NPDES) permit and any other state law or federal regulations concerning the discharge of pollutants. If in establishing discharge restrictions, limits, or any other pretreatment requirements pursuant to this chapter, conflicts occur between the requirements and limitations on discharges of State of Tennessee agencies or federal agencies, the more stringent requirements and limitations shall be applicable.

(a) Facilities which normally handle, generate, transport, treat, store or dispose of used oils or similar petroleum products shall maintain records on the volumes and processes used for such activity and shall make such records available to the POTW upon request. RCRA provisions do not currently regulate used oil or similar products that are intended to be recycled, and it is not the intent of this chapter to regulate

recycled used oil or similar products unless they exhibit hazardous waste characteristics or are intended for disposal into the POTW.

(b) Cleanup residues resulting from spills of hazardous materials or wastes may be deemed hazardous wastes under RCRA. If a listed waste is spilled, spill residues will be considered listed hazardous wastes.

(i) When a spill incidence has occurred, the user may containerize the spilled material, but must notify the POTW prior to any discharges. Upon written request for approval to discharge to the POTW and submission by the user of appropriate test results, the city may permit discharge into a sanitary sewer at the site through an existing connection. Also included in this section are waste residues which are being held in tanks or other devices, including but not limited to batch dumps of spent chemicals, plating or cleaning solutions and purge water from groundwater monitoring wells.

(ii) If it is necessary for pretreatment to be provided prior to a discharge being allowed, all treated effluents shall meet any applicable pretreatment standards or requirements. If no standards or requirements have been set for a particular waste, the city may impose whatever standards are necessary to protect the local environment or the POTW from interference or pass-through.

(iii) In the event that no existing sewer discharge point is available, the user must make arrangements for a connection. This discharge point will be considered a new connection, and must meet all the requirements stated herein, including payment of fees.

(2) Grease traps and interceptors. Grease traps or interceptors shall be installed and maintained by the owner or operator of any establishment likely to discharge animal fats, grease, petroleum products or other similar substance to the POTW in excess of standards established herein for normal domestic wastewater. Each interceptor will be pumped as required based on the tank volume and the average daily flow. No discharge from these devices into the POTW shall exceed 100 mg/l of biodegradable fats, oils and greases.

(a) Interceptors shall not be required for private living quarters or single family dwelling units.

(b) All required interceptors shall be located as to be readily and easily accessible for cleaning and inspection. The owner shall be responsible for record keeping as well as the proper operation and maintenance of private grease, oil and sand traps or interceptors, when these devices are needed to control pollutant discharges.

(c) All establishments which are required to own and maintain a grease trap or interceptor shall maintain records indicating that routine pumping and/or cleaning is being conducted. These records shall be

maintained by both the owner or operator of the establishment and the pumper. These records will indicate who performed the pumping event, what caused the event (i.e., plumbing problems, odors, scheduled to be cleaned, etc.), when the pumping event occurred, and where and how the pumped load was discharged. All records required herein shall be made available to the city upon written request.

(3) Septic tank pumpers. Each vehicle shall discharge its load at the properly designated spot located inside the POTW treatment plant grounds. A manifest identifying each point source shall be submitted to POTW personnel prior to discharge. The manifest shall provide, at minimum, the name, physical address and telephone number of each point source and the date of service. Falsifying a manifest shall constitute a violation of this chapter. Each load shall be tested prior to discharge and discharge is allowed only after permission is granted by POTW personnel. All hauled waste loads must pass all necessary screening test, which may include but are not limited to BOD, TSS, ammonia, pH, hazardous waste determinations, or any other requirement deemed necessary by the city to verify treatment costs. The city reserves the right to reject any and all loads suspected of violated any prohibited discharge standard or any other pretreatment standard or requirement. In addition, the city reserves the right to reject any and all loads deemed by POTW personnel to be detrimental to treatment plant operations, or suspend the acceptance of any and all loads as necessary to protect the POTW.

A load is defined as a single pumping occurrence from a single point source received by a permitted vehicle. Multiple trips from the same point source shall be considered multiple loads. A manifest shall be submitted for each load from the same point source, shall be tested prior to discharge, and shall be subject to a discharge fee.

Any person or entity having had a load rejected shall provide satisfactory evidence of lawful discharge of such rejected load prior to discharging any subsequent load to the system. (Ord. #2715, Jan. 1995, as replaced by Ord. #3140, July 2003)

18-407. Inspections and monitoring. (1) Inspection. The city administrator, the director of wastewater management, the pretreatment coordinator, the plumbing inspector and other duly authorized employees of the city, state or the EPA bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of surveillance, inspection, observation, measurement, sampling and testing in accordance with the provisions contained herein.

(a) While performing the necessary work on private properties, all duly authorized agents or employees of the city shall observe all safety rules applicable to the premises established by the company. The city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal

injury or property damage asserted against the company as a result of the required city operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(2) Monitoring. Each industrial user shall be responsible for monitoring their discharge and reporting the result as specified in their respective permits.

(a) Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the IU may monitor either the segregated wastestream or the combined wastestream for the purposes of determining compliance with applicable pretreatment standards. If the IU chooses to monitor the segregated process wastestream, it shall apply categorical pretreatment standards. If the IU chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula. The IU may change monitoring points only after receiving approval from the city. The city shall ensure that any change in an IU's monitoring point(s) will not allow the user to substitute dilution of adequate treatment to achieve compliance with applicable standards.

(b) All IUs shall, at a frequency determined by the city, as specified in their respective permits, but in no case less than semi-annually (June and December), submit to the city a report indicating the nature and concentration of pollutants in the IU discharge which are limited by pretreatment standards. In addition, this report shall include a record of all average and maximum daily flows during the reporting period. The city may alter the months during which the above reports are to be submitted at its convenience.

(c) The monitoring frequency of pollutants limited by pretreatment standards for each industrial user shall be based upon the daily flow of each user to the sanitary sewer system as established by dividing the user's annual water consumption by the average number of working days per year to obtain an average gallons per day discharge. The city shall conduct annual and semi-annual analyses, which shall satisfy the monitoring requirements for industrial users required to monitor at this frequency, and shall also satisfy two of the monitoring requirements for industrial users required to monitor more frequently than semi-annual. The city shall be reimbursed by the IU for the cost of the annual and semi-annual analyses as an additional sewer use fee billed through the appropriate water utility system. Analyses required more frequently than semi-annual shall be conducted by the IU as self-monitoring. The cost of additional analyses shall be the responsibility of the IU. The required monitoring frequencies are as follows:

Water Usage (GPD)	Schedule of Tests
0 to 1,000	Annual
1,001 to 10,000	Semi-annual
10,001 to 25,000	Quarterly
25,001 to 50,000	Bi-monthly
50,001 to 100,000	Monthly
100,001 to 250,000	Bi-weekly
250,001 to 375,000	Weekly
over 375,000	Case by Case

(i) However, the monitoring frequency for organic pollutants, as provided in each industrial user's respective permit, shall be semi-annual except for industrial users with an average daily flow of less than one thousand gallons per day (1000 GPD) whereby the monitoring frequency shall be annual.

(ii) In addition, the city reserves the right to increase monitoring frequencies for any industrial user as deemed necessary to protect the POTW. Should the industrial user wish to monitor more frequently, both daily maximum and monthly averages shall be used to verify compliance with applicable standards.

(d) For the purpose of pretreatment compliance monitoring for all significant industrial users, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. However, a minimum of one grab sample is all that is required. The city may require more than one grab sample at its discretion. If multiple grab samples are required, each must be analyzed individually. For all other parameters, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The city may waive flow-proportional composite sampling for any individual user that demonstrates that this is not feasible. In such cases, samples may be obtained through time-proportional composite techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. All sampling must be performed using the appropriate preservation techniques, containers and analytical methods as specified in 40 CFR 136.

(e) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the CWF of 403.6(e) in order to evaluate compliance with pretreatment

standards. Where an alternative concentration or mass limit has been calculated, this adjusted limit along with supporting data shall be submitted to the city.

(f) If sampling performed by an IU indicates a violation, the user shall notify the city within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within 30 days after becoming aware of the violation.

(g) When required by the city, any commercial or industrial user shall install a suitable control manhole, together with necessary meters or other equipment, to facilitate observation, sampling and measurement of the wastestream. The control manhole shall be constructed in accordance with plans approved by the city. The control manhole shall be installed by the user at his expense, and shall be maintained by the user so as to be safe and accessible at all times.

(h) All measurements, tests and analyses of the characteristics of waters and wastes required by this chapter shall be in accordance with 40 CFR, part 136, as amended, or other appropriate EPA specific procedure, and shall be determined from suitable samples taken from the control manhole.

(3) Reporting. All IUs shall provide written reports, as specified in their respective permits, relative to compliance with this chapter and other applicable discharge standards to the city on a regular scheduled basis. Additional reports may be required as categorical pretreatment standards are adopted by the EPA, or as may be required by the city to assure compliance with the POTW NPDES permit.

(a) Within 180 days after the effective date of a categorical pretreatment standards, or 180 days after the final administrative decision made upon a category determination submission under 403.6(a)(4), whichever is later, existing IUs subject to such categorical pretreatment standard and currently discharging to or scheduled to discharge to the POTW shall submit to the city a baseline report which contains the information necessary for review and approval.

(b) At least 90 days prior to commencement of discharge, new sources, and sources that become IUs subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the city a baseline report which contains the information required for review and approval. New sources shall report information on the method of pretreatment to be used to meet the standard. New sources shall give estimates of the information requested when actual data are not available.

(i) The reports shall contain the following information as a minimum:

(A) Name and address of the facility including the names of the operator and owners, and a list of any environmental control permits held by the facility;

(B) A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such IU. This description should include a schematic process diagram, which indicates points of discharge to the POTW from regulated processes;

(C) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from all regulated process streams, and any other streams as necessary to allow use of the combined wastestream formula of 403.6(e);

(D) Identify the categorical pretreatment standards applicable to each regulated process;

(E) The results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or the city) of regulated pollutants in the discharge from each regulated process. Instantaneous daily maximum and average long-term concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

(F) A statement, reviewed by an authorized representative of the IU and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the IU to meet the pretreatment standards and requirements.

(1) If additional pretreatment and/or operations and maintenance will be required to meet pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the applicable pretreatment standards. The following conditions shall apply to the schedule required by this section.

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the applicable pretreatment standards

(e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

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

(d) If an IU monitors any pollutant more frequently than required by the city, the results of this monitoring shall be included in this report.

(e) All IUs shall promptly notify the POTW at least 60 days in advance of any substantial change in the volume or character of pollutants in their discharge.

(f) All reports and other documents required to be submitted or maintained under this chapter shall be subject to the provisions of 18 U.S.C. section 1001 relating to fraud and false statements; the provision of section 309(c)(4) of the Act as amended, governing false statements; representation or certification; and the provisions of section 309(c)(6) regarding responsible corporate officers. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user, and must contain the following certification statement:

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

(g) Any IU subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required. Such records shall include for all samples the date, exact place, method and time of taking sampling and the names of the person or persons taking the sample; the dates, the analyses were performed; who performed the analyses; the analytical techniques/methods used; and the results of the analyses.

(h) Any IU subject to reporting requirements establishing in this section shall be required to retain for a minimum of 5 years any 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 reproduction. This period of retention shall be extended during the course of any unresolved litigation regarding the IU when requested in writing.

(4) Confidentiality. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs or from the POTW's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests in writing that the information and data not be available for public use. The user must furnish the reasons for requesting the information remain confidential to the POTW, stating that the release of such information and data would divulge information, processes or methods of production entitled to protection as trade secrets under applicable federal and state laws. The request of the user to withhold information and data from public use must be received by the POTW within 60 days of the time the information and data was obtained. When requested by the user, and when demonstrated to be necessary for the protection of trade secrets, any information or data that might disclose trade secrets or secret processes will not be made available to the public. Any and all information shall be available to governmental agencies for uses related to the NPDES program or pretreatment program, or in enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information, and will be available to the public without restriction.

(5) Receipt of reports. Written reports will be deemed to have been submitted on the data postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. #2715, Jan. 1995, as amended by Ord. #3005, Sept. 1999, and replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

18-408. Enforcement provisions. This section establishes procedures for enforcement of the various provisions contained within this chapter. The specific procedures established in Appendix C, "Enforcement Response Plan," are subject to change as necessary to enable the city to provide efficient wastewater treatment to protect public health and environment, and to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System (NPDES) permit and any other state law or federal regulations concerning the discharge of pollutants.

(1) Violations. Any user who violates any of the conditions of this chapter, or applicable state and federal regulations, is subject to the enforcement procedures of this chapter. Violations shall include, but not be limited to, the following:

(a) Any discharge of a pollutant that has caused imminent endangerment to health, welfare or to the environment.

(b) Any violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city 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).

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

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

(e) Failure to accurately report noncompliance, or any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(f) Failure of a user to factually report the wastewater constituents and characteristics of his discharge, including misrepresentation or failure to fully disclose all relevant information.

(g) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics prior to discharge.

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

(i) Failure to pay city required fees or surcharges as outlined herein.

(j) Falsification of any report or other information submitted to the POTW.

(k) Unauthorized modifications or tampering with sampling and monitoring equipment.

(l) Failure to consistently meet effluent limitations.

(m) Any other violation or group of violations which in the city's opinion requires such action.

(2) Significant noncompliance. Any user meeting one or more of the following conditions shall be considered to be in significant noncompliance.

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all 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 (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 under paragraph (f)(1)(vi)(B) of section 40 CFR 403.8 to halt or prevent such a discharge.

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

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

(g) Failure to accurately report noncompliance.

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

(3) Notice of violation. (a) Any person or user violating any provision of this chapter shall be served by the pretreatment coordinator of the city or the director of wastewater operations with a written notice of violation (NOV) stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person or user violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(4) Compliance orders. (a) Any person or user who continues to violate any provision of this chapter after being served with a notice of violation shall be served by certified mail with a compliance order from the director of wastewater operations stating the nature of the violation and ordering an immediate cessation of any and all activities that are not in compliance with the provisions of this chapter.

(b) Failure by any person or user to comply with the terms of a duly issued written compliance order shall make the user subject to termination of service or appropriate penalties to be determined in an administrative hearing.

(5) Administrative hearing. (a) The city administrator may order any person or user who continues to cause or allow an unauthorized discharge to enter the POTW, sewage collection systems, the waters of the city, or to continue to violate any provision of this chapter, to show cause why the proper enforcement action required after being duly served with a notice of violation and compliance order to cease the violation should not be taken.

(b) A notice of an administrative hearing shall be served on the user specifying the time and place of a show cause hearing to be held by the city administrator regarding the violation or violations, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city administrator why the proposed enforcement action should not be taken.

(c) The notice of the administrative hearing shall be served by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any agent, officer, or authorized representative of the user.

(d) The city administrator may conduct the hearing and take the evidence, or may designate any officer, agent, or employee of the city to:

(i) Issue in the name of the city notices of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing.

(ii) Take the evidence and prepare a report of the evidence and hearings, including transcripts and other evidence.

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

(e) On the basis of the evidence produced at the hearing, the city administrator shall make findings of fact and conclusions of law and enter such decision and orders as in his opinion will best protect the POTW and the local environment, and shall give written notice of such decisions and orders to the user and city council. Any order by the city administrator shall be issued no later than ten (10) days following the close of the hearing.

(i) The city administrator may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and

directives as are necessary and appropriate may be issued including but not limited to the assessment of monetary penalties.

(ii) The decision of the city administrator shall become final and binding on the user unless appealed to the city council within ten (10) days after the issuance of an order by the city administrator.

(iii) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately cease discharge to the POTW, receiving streams or the environment.

(iv) In the event of a failure of a user to comply voluntarily with an order suspending service, the city shall take such steps as deemed necessary to eliminate the discharge, including but not limited to immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to the environment and to insure compliance with the POTW NPDES permit.

(6) Penalties. Any person, including but not limited to industrial users, who violates any provision of this chapter shall be subject to a civil penalty of up to ten thousand (\$10,000) per day for each day during which the act or omission continues or occurs.

(a) Any septic tank pumping vehicle and/or driver discharging into any manhole in the sanitary sewer collection system without prior approval of the city shall be penalized a minimum of \$500.00 and the permit shall be revoked on that vehicle. The permit may then be renewed only upon approval of the director of wastewater operations after any and all penalties imposed have been paid in full. In the event of a second offense involving either the vehicle or the driver, both the driver and his firm shall be penalized a minimum of \$2,500.00 each, plus the payment of any environmental clean up costs if applicable, and the vehicle permit shall be permanently terminated.

(b) Any person or party who uncovers, makes any connections with or openings into, uses, alters or disturbs any public sewer or appurtenance thereof without first obtaining a written permit from the director of wastewater operations shall be penalized a minimum of \$500.00 and shall be liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(7) Suspension of service. The city may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the city, in order to stop an actual substantial endangerment to the health or welfare of persons, to the environment, cause interference to the POTW or cause the city to violate any condition of its NPDES permit. Suspension of a wastewater contribution or permit shall require suspension of the water supply to the same property.

(8) Appeals. The hearing of an appeal of any enforcement action taken by the city administrator may be conducted by the city council at a regular or special meeting. A quorum of the city council must be present at the regular or special meeting in order to conduct the hearing herein provided.

(a) In connection with the hearing, the mayor, or the mayor's designee, shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued by the city council, the city attorney may take action under state law to require such person to appear and testify or produce evidence as the case may require. Any member of the city council may administer oaths and examine witnesses.

(b) Appeal of any final administrative order entered pursuant to this chapter may be taken in accordance with applicable state and local laws.

(9) Legal action. (a) If any person discharges sewage, industrial wastes or other wastes into the POTW or the local environment 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 appropriate court having jurisdiction.

(b) The city shall annually publish in the local newspaper a list of the users which are in significant non-compliance with a national pretreatment requirement or standard during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(c) In addition to the other remedies for enforcement provided herein, the city may petition the appropriate court to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal laws.

(d) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person violating this provision shall be subject to fines and penalties specified in this chapter, and shall not be released from any civil liability for damages and costs incident to replacement of the facilities.

(10) Remedies nonexclusive. The remedies provided in this chapter are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in

conformance with the enforcement response plan, but the city may take other action against any user when conditions warrant. The city may also take more than one simultaneous enforcement action against any noncompliant user. (Ord. #2715, Jan. 1995, as amended by Ord. #3005, Sept. 1999, replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

18-409. Fees and charges. (1) Applicability. Fees and charges are hereby imposed upon all persons and legal entities located within the corporate limits of the City of Morristown for connecting to and use of the city sewer system under the following conditions:

(a) All new residential, commercial or industrial structures where no previous structure or connection existed prior to construction.

(b) All new residential, commercial or industrial structures where a previous structure and/or connection existed, but the original structure was demolished and the sanitary sewer connection abandoned. (Connection is considered abandoned if water meter is disconnected or a water bill is not generated for a 12 consecutive month period.)

(c) An existing residential, commercial or industrial user requests a sewer line connection in addition to existing connections. Note: Connection fee will not be charged if an additional water meter is not installed or the existing water meter is not increased in size. All costs by the city associated with installing an additional sewer lateral will be the responsibility of the party requesting the connection.

(d) The change of occupancy or use of a residential, commercial or industrial building will not require an additional connection fee as long as the original structure or structures and the original connection to the sewer line continues in use and water meter size is not increased to a larger size.

(e) An existing user who requests a water meter(s) in addition to existing meter(s).

(2) Sewer permit fees. Sewer permit fees are hereby established as follows:

(a)	Class I - residential	\$ 15.00
(b)	Class II - commercial	
(i)	Type 1 commercial user	\$ 50.00
(ii)	Type 2 commercial user	
	(A) Application fee	\$ 50.00
	(B) Annual renewal fee	\$ 50.00
(iii)	Type 3 commercial user	
	(A) Application fee	\$ 65.00
	(B) Annual renewal fee	\$ 65.00
(c)	Class III - industrial	
(i)	IU with monitoring requirements	
	(A) Application fee	\$250.00

- (B) Annual renewal fee \$250.00
- (ii) IU without monitoring requirements
 - (A) Application fee \$ 50.00
 - (B) Annual renewal fee \$ 50.00
- (d) Class IV - special
 - (i) Septic tank pumps
 - (A) Application fee per vehicle \$50.00
 - (B) Annual renewal fee per vehicle \$50.00
 - (ii) Non-residential batch discharge \$250.00
 - (iii) Groundwater remediation projects
 - (A) Application fee \$250.00
 - (B) Annual renewal fee \$250.00

(3) Sewer connection fees. The following sewer connection fees are hereby imposed upon all persons and legal entities connecting to the city sewer system.

INSIDE CORPORATE LIMITS WATER METER SIZE/SEWER TAP FEE		OUTSIDE CORPORATE LIMITS WATER METER SIZE/SEWER TAP FEE	
5/8"	\$ 1,250.00	5/8"	\$ 2,500.00
1"	\$ 2,500.00	1"	\$ 5,000.00
1 ½"	\$ 5,000.00	1 ½"	\$10,000.00
2"	\$ 8,000.00	2"	\$16,000.00
3"	\$15,000.00	3"	\$30,000.00
4"	\$17,500.00	4"	\$35,000.00
6"	\$20,000.00	6"	\$40,000.00

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| <p>Apartments, condominiums, mobile home parks:</p> <ul style="list-style-type: none"> a. Individually metered units: In accordance with the above schedule, per unit. b. One meter serving multiple units: The 5/8" rate per unit. | <p>Apartments, condominiums, mobile home parks:</p> <ul style="list-style-type: none"> a. Individually metered units; In accordance with the above schedule, per unit. b. One meter serving multiple units: The 5/8" rate per unit. |
|---|---|

Exception: For single family residences (excluding duplexes and multi-family) with a 5/8" or 3/4" water meter which are annexed into the City of Morristown, the sewer tap fee will be available for \$500 for the first ninety (90)

days after annexation is final if sewer is available, or, when sewer is not available, within ninety (90) days after sewer is made available to the residence. After the ninety (90) day period, the tap fee will be the current residential tap fee charged for single family residences. The reduced rate tap fees must be used within thirty-six (36) months after issuance, at which time they will expire and the balance of the difference between the reduced rate fee and the current residential tap fee will be due upon connection to the system. Sewer use fees will be charged upon connection to the system or at the end of the ninety (90) day period if connection is not made.

The applicant shall bear all costs associated with extending the sewer line to serve outside corporate limit locations.

If any user upgrades their water meter to a larger size, the user shall pay a connection fee which is equal to the difference between the fee for the existing meter size and fee for the larger meter size.

(4) Sewer use fee. Residential, commercial and industrial users shall pay a monthly sewer user fee based on the actual POTW expenditures for all required activities, including debt service, reserves, system expansion and extensions, operation, maintenance, supplies, equipment, labor, overhead and fees for the previous fiscal year.

(a) The sewer use fee for residential, commercial and industrial users located within the corporate limits of the City of Morristown is as set forth in subsection (b) below per one thousand (1,000) gallons potable water used, with a minimum monthly charge based on usage of two thousand (2,000) gallons.

(i) Each consumer unit of a mobile home park or multiple-unit dwelling using a common water meter or meters shall pay the minimum monthly sewer charge established herein per each unit connected to a common water meter.

(b) The sewer use fee for residential, commercial and industrial users located within the corporate limits of the City of Morristown shall be as follows:

July 1, 2006 - \$3.65 per 1,000 gallons

July 1, 2007 - \$4.20 per 1,000 gallons

July 1, 2008 and thereafter - \$4.25 per 1,000 gallons.

(c) The sewer use fee for residential users located within the corporate limits of the City of Morristown will be subject to a maximum cap during the four month period of June through September, to be computed in accordance with the following provisions.

(i) An average base water consumption shall be established for each user by computing the average consumption for the five month period from December through April of the previous calendar year, rounded up to the nearest thousand gallons.

(ii) An additional 3,000 gallons shall be added to average base water consumption to determine the maximum water consumption cap, and this number shall be the maximum usage subject to the sewer use fee. Any and all water usage above the maximum water consumption cap shall not be subject to the sewer use fee.

(iii) A new maximum water consumption cap shall be computed annually for each user. All new residential customers shall be assigned a maximum water consumption cap of 8,000 gallons until it becomes possible to compute the actual maximum water consumption cap based on actual usage.

(d) The sewer use fee shall not apply to water consumed through irrigation meters obtained from the water utility which is used for the sole purpose of irrigating landscape areas and plant materials and is not discharged into the city sewer system.

(e) The sewer use fee for residential users located within the corporate limits of the City of Morristown, not served by a public water utility shall be based upon a water consumption of 5,000 gallons per month.

(5) Commercial and industrial surcharge fees. The city may accept waste for treatment at the POTW that contains excessive quantities of compatible pollutants. In the event the city elects to accept such waste for treatment, a surcharge shall be charged based upon the strength of the discharge up to the maximum levels established herein. Wastes that exceed the maximum levels established herein shall be deemed to be non-compatible, and shall not be accepted for treatment by the POTW except as specified herein. The surcharge for compatible pollutants shall be calculated as follows using a four (4) month rolling period:

$$\text{Surcharge} = V \times \{ [A \times (A_1 - 250) \times 8.34] + [B \times (B_1 - 250) \times 8.34] + [C \times (C_1 - 100) \times 8.34] \}$$

Where

V = the monthly volume of wastewater discharged in million gallons. (obtained from water meter readings taken by the public water utility, excluding sewer deduct meter readings where applicable.)

A = the BOD treatment cost (BOD surcharge rate) in dollars per pound.

A₁ = the BOD average for the four month rolling period.

B = the TSS treatment cost (TSS surcharge rate) in dollars per pound.

B_1 = the TSS average for the four month rolling period.

C = the FOG treatment cost (FOG surcharge rate) in dollars per pound.

C_1 = the FOG average for the four month rolling period.

The four month rolling period shall be established as the current month and the three months next preceding the current month.

The average for the four month rolling period shall be determined by calculating the sum of all analyses conducted during the period and dividing by the number of analyses taken during the period.

The surcharge rate for BOD will be \$0.22/lb., the TSS rate will be \$0.08/lb., and FOG rate will be \$0.12/lb. These rates are based on the actual costs to the city and shall be evaluated not less than every two years by the city.

(6) Adjustments. Any user having used at least 600,000 gallons of potable water at any one location that is not discharged into the city sewer system in any twelve-month period next preceding application, may submit an application to the city to install a meter for determining the amount of future potable water purchased by user but not discharged into the city sewer system.

(a) The public water utility shall certify that those wishing to be metered separately have used in excess of 600,000 gallons of water within the last twelve (12) month period.

(b) Applications shall be accompanied by a schematic drawing of the plumbing layout showing the location and trade name of the proposed meter. Schematic shall also indicate the location and trade name of a backflow preventer. Certification shall be provided by a responsible official of the firm making application for the installation of said meter, stating that there is no interconnection of system downstream from the backflow preventer. Recertification of the above shall be made on a yearly basis.

(c) Upon written approval of the city administrator, a permit shall be issued to the user to install such a meter and backflow meter at the user's expense, provided said installation is made in conformity with all plans, specifications and requirements as may from time to time be promulgated by the city. Thereafter, no user fee shall be charged for water received through this meter, and no water received through this meter may be discharged into the POTW.

(d) In the event any such metered user fails to use a minimum of 600,000 gallons of potable water through this special meter during any twelve consecutive month period thereafter, the city administrator shall be notified of such event by the public water utility and the city may revoke such a permit and, after reasonable notice of not less than 60 days, may invoke a users' fee commensurate with that charged customers whose water is discharged into the city's sewer system.

(7) Special fees. The City of Morristown is hereby empowered to collect special fees for services provided in administering the provisions of this chapter and providing services of any nature to users of the POTW, including, but not limited to the following.

(a) There is hereby established a fee in the amount of one hundred dollars (\$100.00) for filing an appeal with the city of any decision rendered by the city administrator relative to any enforcement provision of this chapter.

(b) The fee paid by the septic haulers and pumpers for each load discharged into the POTW shall be fifty dollars (\$50.00) per load for loads originating inside Hamblen County, and shall be one hundred dollars (\$100.00) per load for loads originating outside Hamblen County.

(c) There is hereby established a special fee for connecting to the public sewer, within the corporate limits of the city, using a low pressure sewer grinder pump system. This fee shall be in addition to the required connection fees in § 18-409(3).

(i) In newly developed areas, where the city has approved the use of a low pressure sewer system to be installed by the developer, there is hereby established a fee in the amount of three thousand seven hundred fifty dollars (\$3,750.00) for connecting to the city sewer system using a low pressure sewer grinder pump unit assembly, which consists of a single family unit grinder pump, pump basin, and control unit, for installation by the property owner's or developer's plumber/contractor. The city will maintain the grinder pumping system as provided in the city's agreement for installation of grinder pump pressure sewer systems.

(ii) In newly annexed areas where the city is to install a sewer system and it is determined to be in the best interests of the city to install a low pressure sewer system in lieu of the traditional gravity sewer system, the city will waive the fee in subsection (i) above for single family residential units (excluding duplexes and multifamily units) existing at the time of annexation.

(iii) In areas where sewer is currently available and the building drain is too low to permit gravity flow to the public sewer, the property owner may obtain a grinder pump unit in accordance with subsection (i) above.

(iv) In areas where the building drain is too low to permit gravity flow to the public sewer and the property owner currently uses a pump located outside his building to lift the sewage to the public sewer, the property owner may elect to replace his pump unit with the pump sewer, the property owner may elect to replace his pump unit with the pump unit furnished by the city in

accordance with subsection (i) above. Sewer connection fees will not apply in these cases.

(v) Any property requiring a pump unit assembly that is larger than the single family unit grinder pump assembly above will require approval from the city and the fee set forth in subsection (i) shall be increased by an amount equal to the difference in the cost to the city of the single family unit grinder pump assembly and the larger pump unit assembly.

(8) Service outside corporate limits. The city may provide service to users located outside its corporate boundaries. In the event the city elects to provide outside service, all fees and charges assessed to outside users shall be as provided by policy adopted by the governing body by resolution, but in no event shall the fees and charges assessed to outside users be less than twice the amount of fees and charges assessed to inside users for similar services, to adequately compensate the city for utilization of POTW capacity and excess operating and maintenance cost. Additionally, users located outside the corporate limits shall be charged a minimum sewer use fee based upon utilization of three thousand (3,000) gallons per month. The sewer use fee for users outside the corporate limits of the City of Morristown, not served by a public water utility shall be based upon a water consumption of five thousand (5,000) gallons per month. (Ord. #2715, Jan. 1995, as amended by Ord. #2895, Sept. 1997; Ord. #2993, June 1999; Ord. #2998, July 1999; Ord. #2999, July 1999; Ord. #3005, Sept. 1999; and Ord. #3014, Nov. 1999; replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006 and Ord. #3259, Aug. 2006)

City of Morristown, Tennessee

Plant Protection Criteria: Headworks Loading Parameters

Parameter	Pass-Through Limitations (mg/l)	Pass-Through Criteria (mg/l)	Inhibition Criteria (mg/l)	Sludge Criteria (mg/l)	Plant Protection Criteria (mg/l)
Copper	0.08	0.5000	1.28	0.48063	0.4806
Chromium, Total	0.06	0.3750	1.37-137	0.33532	0.3353
Nickle	0.18	0.2727	1.2-2.9	0.11598	0.1160
Cadmium	0.005	0.0333	11.8-118	0.00939	0.0094
Lead	0.045	0.2500	0.23	0.09618	0.0962
Mercury	0.000145	0.000604	0.11-5.6	0.00704	0.000604
Silver	0.005	0.0294	6.25		0.0294
Zinc ¹	0.20	1.0526	0.11-13.7	0.86935	0.11
Cyanide	0.0237	0.0624	0.14-6.8		0.0624
Toluene	0.015	0.2143			0.2143
Benzene	0.003	0.0130			0.0130
1,1,1 Trichloroethane	0.03	0.2500			0.2500
Ethylbenzene	0.004	0.0400			0.0400
Carbon Tetrachloride	0.015	0.0150			0.0150
Chloroform	0.085	0.2237			0.2237
Tetrachloroethylene	0.025	0.1389			0.1389
Trichloroethylene	0.01	0.1000			0.1000
1,2 trans Dichloroethylene	0.0015	0.0075			0.0075
Methylene Chloride	0.05	0.0962			0.0962
Phenols, Total	0.05	0.4545			0.4545
Napthalene	0.001	0.0125			0.0125
Phthalates, Total	0.01337	0.0637			0.0637

For each pollutant, the most stringent of the allowable headworks loadings derived from the above criteria determines the pollutant's allowable headworks loadings

City of Morristown, Tennessee
Development of Local Discharge Limits

Pollutant	Allowable Influent concentration (mg/l)	Allowable Mass (lbs)	Domestic Mass (lbs)	Reserved Mass (lbs)	Allowable Industry Mass (lbs)	Allowable I.U. Concentration (mg/l)
Copper	0.4806	30.0634	3.3172	3.2168	23.5294	2.6869
Chromium, Total	0.3353	20.9743	0.5110	2.2442	18.2190	2.0805
Nickel	0.1160	7.2545	0.8069	0.7762	5.6714	0.6476
Cadmium	0.0094	0.5873	0.0403	0.0628	0.4842	0.0553
Lead	0.0962	6.0161	0.3093	0.6437	5.0630	0.5782
Mercury	0.0006	0.0378	0.0108	0.0040	0.0230	0.0026
Silver	0.0294	1.8397	0.0446	0.1968	1.5982	0.1825
Zinc ¹	0.4300	26.8965	6.6076	2.8779	17.4110	1.9882
Cyanide	0.0624	3.9011	2.0172	0.4174	1.4665	0.1675
Toluene	0.2143	13.4036	0.013448	1.4342	11.9559	1.3653
Benzene	0.0130	0.8159	0.013448	0.0873	0.7151	0.0817
1,1,1 Trichloroethane	0.2500	15.6375	0.013448	1.6732	13.9508	1.5931
Ethylbenzene	0.0400	2.5020	0.013448	0.2677	2.2208	0.2536
Carbon Tetrachloride	0.0150	0.9383	0.013448	0.1004	0.8244	0.0941
Chloroform	0.2237	13.9914	0.177517	1.4971	12.3168	1.4065
Tetrachloroethylene	0.1389	8.6875	0.013448	0.9296	7.7445	0.8844
Trichloroethylene	0.1000	6.2250	0.013448	0.6693	5.5723	0.6363
1,2 trans Dichloroethylene	0.0075	0.4691	0.013448	0.0502	0.4055	0.0463
Methylene Chloride	0.0962	6.0144	0.024207	0.6435	5.3467	0.6106
Phenols, Total	0.4545	28.4318	2.384823	3.0422	23.0048	2.6270
Napthalene	0.0125	0.7819	0.107586	0.0837	0.5906	0.0674
Phthalates, Total	0.0637	3.9824	2.079996	0.4261	1.4762	0.1686

Average IU concentrations were calculated based upon actual average plant influent concentrations.
Appendix B (as added by Ord. #3005, Sept. 1999, and replaced by Ord. #3140, July 2003)

**ENFORCEMENT RESPONSE PLAN
CITY OF MORRISTOWN, TENNESSEE**

PURPOSE

This Enforcement Response Plan (ERP) will outline the procedures to be followed by the City of Morristown to identify, document, and respond to pretreatment violations. In doing so, the plan will provide guidance in selecting initial and follow-up enforcement actions, and indicate staff responsibilities for these actions. The remedies provided in this ERP are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in conformance with the ERP, but the city may take other action against any user when conditions warrant. The city may also take more than one simultaneous action against any noncompliant user. The city may also consider mitigating circumstances before taking action against a noncompliant user.

1. UNAUTHORIZED DISCHARGES

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSE</u>	<u>PERSONNEL</u>
A. Non-permitted discharge	1. IU unaware of requirement; no harm to POTW/environment	VW, and provide application form	PC
	Failure to apply continues 30 days after notice by POTW	NOV	PC
	Failure to apply continues 60 days after notice by POTW	NOV	PC
	Failure to apply continues 90 days after notice by POTW	Compliance Order	DWO

		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	2. IU unaware of requirement; harm to POTW/environment	Compliance Order	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
B. Non-permitted discharge (Failure to renew)	1. IU has not submitted application within 10-29 days of due date	VW	PC

Failure to apply continues 30 days after notice by POTW	NOV	PC
Failure to apply continues 60 days after notice by POTW	NOV	PC
Failure to apply continues 90 days after notice by POTW	Compliance Order	DWO
	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT

II. DISCHARGE LIMIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSE</u>	<u>PERSONNEL</u>
A. Violation of Local, State, or Federal pretreatment standard or permit limit except for pH	1. Isolated incident a. No harm to POTW/environment b. Harm to POTW/environment	NTR Compliance Order	PC DWO

	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
2. Recurring violations		
a. No harm to POTW/environment	Second occurrence; NTR	PC
	Third occurrence; NOV	PC
	Fourth occurrence; NOV	PC
	Fifth occurrence; NOV	PC
	Sixth occurrence; CO	DWO
	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service or appropriate penalties to be determined in an Administrative Hearing.	CAD

		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	b. Harm to POTW/environment	Second occurrence; AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
B.	Violation of Local, State, or Federal pretreatment standard or permit limit for pH	1. Isolated incident	
		a. pH above 10.0 s.u.; no harm to POTW/environment	NTR PC
		b. pH below 5.0 s.u.; no harm to POTW/environment	NOV PC
		c. pH above 10.0 s.u.; harm to POTW/environment	Compliance Order DWO

d.	pH below 5.0 s.u.; harm to POTW/environment	Compliance Order	DWO
2. Recurring violations			
a.	pH above 10.0 s.u.; no harm to POTW/environment	Second occurrence; NTR	PC
		Third occurrence; NTR	PC
		Fourth occurrence; NTR	PC
		Fifth occurrence; NTR	PC
		Sixth occurrence; NOV	PC
		Seventh occurrence; NOV	PC
		Eighth occurrence; NOV	PC
		Ninth occurrence; CO	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
b.	pH below 5.0 s.u.; no harm to POTW/environment	Second occurrence; NOV	PC

	Third occurrence; NOV	PC
	Fourth occurrence; CO	DWO
	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
c. pH above 10.0 s.u.; harm to POTW/environment	Second occurrence; AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
d. pH below 5.0 s.u.; harm to POTW/environment	Second occurrence; AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD

LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction. CAT

III. REPORTING AND MONITORING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSE</u>	<u>PERSONNEL</u>
A. Reporting violation	1. Report improperly signed or certified	VW	PC
	30 days after notice by POTW	NOV	PC
	60 days after notice by POTW	NOV	PC
	90 days after notice by POTW	Compliance Order	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	2. Report inaccurate	VW	PC
	30 days after notice by POTW	NOV	PC

	60 days after notice by POTW	NOV	PC
	90 days after notice by POTW	Compliance Order	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
3.	Late report submittal 10-29 days after due date	VW	PC
	30 days after due date	NOV	PC
	60 days after due date	NOV	PC
	90 days after due date	Compliance Order	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD

	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
4. Failure to report spill or changes in discharge		
a. Isolated incident; no harm to POTW/environment	VW	PC
b. Isolated incident; harm to POTW/environment	Compliance Order	DWO
	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
5. Recurring incident; failure to report spill or changes in discharge		
a. No harm to POTW/environment	Second occurrence; NOV	PC
	Third occurrence; CO	DWO

	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
b. Harm to POTW/environment	Second occurrence; AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
6. Falsification of reports	AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT

B.	Monitoring violation	1.	Incorrect monitoring procedures		
		a.	Isolated incident; failure to monitor all permitted pollutants	VW	PC
		b.	Recurring incident; failure to monitor all permitted pollutants	Second occurrence; NOV	PC
				Third occurrence; NOV	PC
				Fourth occurrence; CO	DWO
				AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
				LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
		2.	Improper sampling		
		a.	Isolated incident; procedural error	VW	PC
		b.	Recurring incident; procedural error	Second occurrence; NOV	PC
				Third occurrence; NOV	PC
				Fourth occurrence; CO	DWO

		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	c. Intent to falsely indicate compliance	AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	3. Failure or delay in installation of monitoring equipment	VW	PC
	30 days after notice by POTW	NOV	PC
	60 days after notice by POTW	NOV	PC
	90 days after notice by POTW	Compliance Order	DWO

AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing. CAD

LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction. CAT

IV. SITE VISIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>ENFORCEMENT RESPONSE</u>	<u>PERSONNEL</u>
A. Entry and access	1. Entry to facility denied	AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
	2. Access to records denied	AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD

	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
3. Inadequate records		
a. Isolated incident; no intent to conceal violations	VW	PC
b. Recurring incident; no intent to conceal violations	Second occurrence; NOV	PC
	Third occurrence; CO	DWO
	AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
	LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT

		c. Isolated incident; apparent intent to conceal violations	AO, subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
			LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT
B.	Operational procedures	1. Waste stream dilution instead of treatment	VW	PC
			Second occurrence; NOV	PC
			Third occurrence; CO	DWO
			AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an administrative Hearing.	CAD
			LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT

3.	Failure to operate and maintain pretreatment facilities	VW	PC
	30 days after notice by POTW	NOV	PC
	60 days after notice by POTW	Compliance Order	DWO
		AO; failure to comply with the terms of a duly issued CO shall make the user subject to suspension of service and/or appropriate penalties to be determined in an Administrative Hearing.	CAD
		LA; failure to comply with the terms of a duly issued AO may commence action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.	CAT

V. ABBREVIATIONS AND DEFINITIONS

AO	Administrative Order
CAD	City Administrator
CAT	City Attorney
CO	Compliance Order
DWO	Director of Wastewater Operations
LA	Legal (Civil) Action
NOV	Notice of Violation (Written)
Appendix C (response plan)	

NTR	Notice to Resample
PC	Pretreatment Coordinator
Recurring Violation	Subsequent violation of any Local, State, or Federal pretreatment standard or permit limit for the same pollutant parameter within a twelve-month period
VW	Verbal Warning

Appendix C (response plan) (as added by Ord. #3005, Sept. 1999, replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

CHAPTER 5

STORMWATER UTILITY SERVICE CHARGES

SECTION

- 18-501. Purpose and objectives.
- 18-502. Definitions.
- 18-503. Imposed; amount.
- 18-504. Effective date.
- 18-505. Exemptions and credits.
- 18-506. Monthly billing and collection.
- 18-507. Discontinuance of water service for failure to pay stormwater service charges.
- 18-508. Adjustments in charges.
- 18-509. Recorder to keep stormwater utility service charges in separate accounts.
- 18-510. Appeals.

18-501. Purpose and objectives. (1) Purpose. The purpose of this chapter is to establish a stormwater utility and associated stormwater utility service charge within the City of Morristown pursuant to the authority granted by Tennessee Code Annotated, § 68-221-11 and for the purpose of providing dedicated funds for stormwater management operations and facilities within the City of Morristown.

(2) Objectives. The objectives of this chapter include but are not limited to the following:

(a) To establish an equitable approach to fund the City of Morristown's stormwater management services and facilities;

(b) To establish that impervious area, which is the most important factor influencing stormwater service requirements and costs posed by properties located throughout the City of Morristown, as the parameter utilized for calculating stormwater service charges;

(c) To adopt a schedule of service charges upon properties that is related to the burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the City of Morristown.

(d) To establish service charge credits as a means of adjusting service charges in recognition of users who design, construct and maintain on-site stormwater facilities to retain and control the quantity of stormwater runoff in such manner as not to cause adverse effects on water quality, stream or channel erosion, or flooding either upstream or downstream of the facilities; and,

(e) To establish the rules and process for appeals of stormwater service charges. (as added by Ord. #3320, March 2008)

18-502. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:

(1) "City." The City of Morristown, Tennessee.

(2) "Credit." A conditional reduction in the amount of a stormwater service charge granted to an individual property in accordance with § 18-505(2) of this chapter based on the provision and continuing presence of an on-site stormwater facility.

(3) "Customers of the stormwater utility." All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served as a result of the stormwater management program.

(4) "Developed land." Property altered from a natural state by construction or installation of more than two hundred (200) square feet of impervious surfaces as defined in this chapter.

(5) "Duplex." Developed land containing two attached residential dwelling units located on one or more parcels of land.

(6) "Equivalent residential unit (ERU)." The median impervious coverage of detached dwelling unit properties in the city as determined by the city. Two thousand four hundred (2,400) square feet of impervious area shall be one (1) equivalent residential unit (ERU). The ERU shall be used as the basis for determining stormwater service charges to single family residential detached dwelling unit properties or classes of single family residential detached dwelling unit properties and all other developed land.

(7) "Impervious surfaces." Impervious surfaces are defined as those polygonal features that significantly (but not absolutely) prevent the draining of stormwater into the ground. Typically, these features include: buildings, building foundations, storage tanks, parking lots, roads, driveways, runways, taxiways, aprons, hardened athletic courts, patios, decks, travel ways, parking and other areas comprised of gravel or un-vegetated soils, sidewalks (concrete or asphalt), concrete slabs surrounding swimming pools, or any other hardened surface consisting of concrete, asphalt, or other impervious material.

(8) "Multiple dwelling unit residential properties." Developed land whereon three (3) or more attached residential dwelling units are located. Multiple dwelling unit residential properties shall include, but not be limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, multiple duplexes located on a single parcel of land, and other structures in which three

(3) or more family groups commonly and normally reside or could reside. Stormwater service charges for multiple dwelling unit properties shall be calculated in the same way as other developed lands.

(9) "On-site stormwater facilities." A manmade structure either privately or publicly owned, for which the partial or full purpose or use is to retain and control the quantity of storm water runoff. This includes all facilities for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property.

(10) "Other developed land." Other developed land shall mean, but shall not be limited to, multiple dwelling unit residential properties as defined in this chapter, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

(11) "Single family residential detached dwelling unit." (a) Developed land containing one structure which is not attached to another dwelling and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family; or,

(b) A single duplex structure located on a single parcel of land or a single duplex structure where each half of the duplex is located on a single parcel of land.

(i) Single family residential detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.

(ii) Developed land may be classified as a single family residential detached dwelling despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Single family residential detached dwelling units can also include developed land that has a non-residential use of a single dwelling unit or duplex designed for occupancy for one or two families so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses that are not normally associated with single family or duplex residential housing.

(iii) Single family residential detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home

parcs where the land is owned by others than the owners of the manufactured homes or mobile homes; multiple duplexes located on a single parcel of land; or multiple-unit residential properties having three or more attached residential dwelling units.

(12) "Stormwater." Stormwater runoff, snow melt runoff, surface runoff, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.

(13) "Stormwater service charge." or "stormwater utility service charge". The stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of Morristown stormwater utility's cost of providing stormwater management services and facilities.

(14) "Stormwater management system." Those natural and man-made drainage structures, conveyances, streams, wetlands, ponds, lakes, conduits, combined sewers, sewers, on-site stormwater facilities, flood control facilities and all device appurtenances located in the jurisdiction of the City of Morristown by means of which stormwater is collected, transported, pumped, treated, disposed of, or regulated. (as added by Ord. #3320, March 2008)

18-503. Imposed; amount. A stormwater service charge is now and hereafter imposed upon all developed land located in the City of Morristown that discharges stormwater into or through, or is hereafter connected to or with, the stormwater management system. The stormwater service charge will be imposed as an amount per month, as set out in this section, to be paid and collected as provided by this chapter:

(1) Single family residential detached dwelling units. Properties classified as single family residential detached dwelling units shall be charged the rate applicable to one (1) equivalent residential unit, as specified in item (3) of this section, or as amended by ordinance in the future.

(2) Other developed lands. All other developed lands not classified as single family residential detached dwelling units shall be billed for one (1) equivalent residential unit as specified in item (3) of this section, or as amended by ordinance in the future, for each two thousand four hundred (2,400) square feet of impervious surface or increment thereof, or as amended by ordinance in the future.

(3) Service charge rate per ERU. The stormwater service charge rate per equivalent residential unit, as defined in this chapter, shall be one dollar (\$1.00) per month until and unless the service charge rate per ERU is amended by ordinance in the future. (as added by Ord. #3320, March 2008)

18-504. Effective date. Stormwater service charges will be effective and shall be employed March 18, 2008. (as added by Ord. #3320, March 2008)

18-505. Exemptions and credits. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities.

(1) Exemptions allowed. The following exemptions from stormwater service charges shall be allowed:

- (a) Undeveloped land as defined in this chapter;
- (b) Railroad tracks; however, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges;
- (c) Improved public road rights-of-way that have been conveyed to and accepted for maintenance by the City of Morristown or the State of Tennessee Department of Transportation and are available for use in common for vehicular transportation by the general public;
- (d) Properties that do not discharge stormwater runoff at any time into or through the stormwater management system, as defined in this chapter.

(2) Credits allowed. Other developed lands that have an on-site stormwater facility that is designed and constructed in accordance with City of Morristown requirements, standards and criteria, is maintained and fully-operational in accordance with the design approved by the city, and which reduces the cost of providing stormwater management services or facilities that is borne by the city shall be eligible to receive a credit against stormwater service charges.

(a) All credits granted for on-site stormwater facilities shall be generally proportional to the effect that the facility has on the volume, peak discharge, erosion potential or water quality of stormwater runoff from the individual property.

(b) Credits shall become effective upon the adoption of appropriate policy by city council action and shall be defined and implemented in a City of Morristown Stormwater Credit Policy Manual which shall specify the design and performance standards of on-site stormwater facilities which qualify for application of a stormwater service charge credit, and shall specify how such credits are calculated. Any credit allowed against the stormwater service charge is conditioned on continuing compliance with the city's design and performance standards as stated in the Stormwater Credit Policy Manual and/or upon continuing provision of the on-site stormwater facility provided, operated, and maintained by the property owner or owners upon which the credit is based. The Stormwater Credit Policy Manual will be produced by the office of the city engineer and approved by city council.

(c) A credit may be revoked by the city at any time for non-compliance with this chapter and the Stormwater Credit Policy Manual. Thirty (30) days notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater service charge customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance. (as added by Ord. #3320, March 2008)

18-506. Monthly billing and collection. The Witt Utility District, Russellville-Whitesburg Utility District and Alpha-Talbott Utility District, which are henceforth referred to as "other authorized agencies," and the Morristown Utilities Commission shall bill and collect stormwater service charges for the city from all customers who own or rent properties that are subject to the stormwater utility service charges imposed by this chapter. The Morristown Utilities Commission and other authorized agencies shall include such stormwater utility service charges as a designated item on its utility service bills each month, following the same procedure it uses in billing and collecting utility charges. (as added by Ord. #3320, March 2008)

18-507. Discontinuance of water service for failure to pay stormwater service charges. The Morristown Utilities Commission and other authorized agencies may discontinue water service to any customer for failure to pay the stormwater utility service charge, and shall not connect or re-establish water service for a customer who owes a delinquent stormwater utility service charge until such stormwater utility service charge has been paid. (as added by Ord. #3320, March 2008)

18-508. Adjustments in charges. The city engineer shall make adjustments in the stormwater utility service charge for over or under calculation of impervious surfaces. (as added by Ord. #3320, March 2008)

18-509. Recorder to keep stormwater utility service charges in separate accounts. The recorder shall keep the funds received from stormwater utility service charges in a separate enterprise account entitled "stormwater fund." (as added by Ord. #3320, March 2008)

18-510. Appeals. Any stormwater utility service customer who believes the provisions of this chapter have been applied in error may appeal the application or amount of the stormwater utility service charge in the following manner:

(1) An appeal must be filed in writing with the city engineer. The appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the

impervious surface area (in square feet), and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(2) Using the information provided by the appellant, the city engineer or his/her designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

(3) In response to an appeal, the city engineer may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter and shall inform the appellant of such adjustment in writing.

(4) A decision of the city engineer which is adverse to an appellant may be further appealed to the city administrator within thirty (30) days from the date of the adverse decision. Notice of the appeal shall be delivered to the city administrator by the appellant, stating the grounds for the further appeal. The city administrator shall issue a decision on the appeal within thirty (30) days. All decisions of the city administrator shall be final and shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.

(5) The appeal process contained in this subsection shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction. (as added by Ord. #3320, March 2008)