

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WASTEWATER SYSTEM DESIGN STANDARDS.
2. SEWER USE.
3. USER RATES, CHARGES AND FEES; BILLING.
4. SEPTIC TANK CONSTRUCTION SPECIFICATIONS.

CHAPTER 1

WASTEWATER SYSTEM DESIGN STANDARDS

SECTION

- 18-101. Design standards.
- 18-102. [Deleted.]
- 18-103. [Deleted.]
- 18-104. [Deleted.]
- 18-105. [Deleted.]
- 18-106. [Deleted.]
- 18-107. [Deleted.]
- 18-108. [Deleted.]

18-101. Design standards. All improvements, additions, expansions, and/or alterations pertaining to the wastewater system within the Town of Pegram, Tennessee shall be conducted pursuant to the guidelines, standards and/or requirements set forth in the POTW Design Standards Manual² (hereinafter referred to as "the manual"). The manual will be adopted by the board of mayor and aldermen by resolution and updated from time to time, as necessary, but in no event reviewed less than every two (2) years from the last edition adopted. The manual shall set forth all design and construction standards and will be used in conjunction with all local zoning and subdivision regulations, TDEC requirements, and all other applicable state and local laws and/or regulations. References made to specifications and/or standards shall

¹Municipal code references

Building, utility and residential codes: title 12.

Refuse disposal: title 17.

²The POTW Design Standards Manual (and amendments) is available in the recorder's office.

mean the most recently adopted version of the manual. In the event of conflict between the various specifications and/or standards, the POTW Design Standards Manual shall take precedence. (Ord. #1997-2, April 1997, as replaced by Ord. #2006-35, April 2006)

18-102. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-103. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-104. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-105. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-106. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-107. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-108. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

CHAPTER 2

SEWER USE¹

SECTION

- 18-201. General provisions.
- 18-202. Definitions.
- 18-203. Connection to POTW.
- 18-204. Wastewater disposal for residences outside the wastewater service area.
- 18-205. Outside the wastewater service area.
- 18-206. Regulation of holding tank waste disposal.
- 18-207. Applications for residential and commercial wastewater discharge and industrial wastewater discharge permits.
- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalties and costs.
- 18-211. [Deleted.]

18-201. General provisions. (1) Purpose and policy. The general purpose of this set of rules and regulations, known commonly hereafter as "the sewer use ordinance," is to set forth and provide for the rightful and proper use or uses of the facilities of the Town of Pegram, Tennessee for the collection, treatment and disposal of wastewater effluent. To accomplish this purpose, all users of the facilities of the Town of Pegram, Tennessee for the collection and disposal or wastewater must comply with the rules and regulations presented hereinafter.

(2) Objectives. The objectives of this chapter are:

(a) To establish a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the wastewater service area in order to provide for full and equitable distribution of the cost of the wastewater system;

(b) To prohibit the contribution of wastewater into the town Publicly Operated Treatment Works (hereafter "POTW") which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations, sewage treatment plant and other structures appurtenant to the treatment and collection system;

¹Municipal code reference

Plumbing code: title 12, chapter 2.

(c) To establish control in the contribution of wastewater that requires greater treatment expenditures than are required for equal volumes of normal domestic waste;

(d) To establish a uniform procedure for design, installation, inspection, operation and maintenance of wastewater treatment and disposal systems, extensions of public wastewater systems, laterals and connections to sewer mains;

(e) To enable the Town of Pegram to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 C.F.R. part 403), and other applicable federal and state laws and regulations; and

(f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

Furthermore, these rules and regulations are a part of all residential, commercial, industrial and public contracts for receiving wastewater collection and treatment service from the Town of Pegram, Tennessee, and shall apply to all such service received from the town whether the service is based upon contract, agreement signed application or other mutual understanding.

In meeting these objectives, this chapter provides that all persons in the designated wastewater service area of the Town of Pegram must have adequate wastewater service either in the form of a connection to the municipal wastewater system or an appropriate private disposal system where and when permissible. The chapter also provides for the issuance of permits to residential and commercial users, for the regulation of wastewater discharge volume and characteristics, for monitoring and enforcement activities, for the assessment of fees and rates to ensure a full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater system, and for other activities provided for by the enforcement and administrative program established herein.

(3) **Jurisdiction.** This chapter shall apply to the Town of Pegram, Tennessee, and to persons outside the town who, by contract or agreement with the town, are users of the POTW. Except as otherwise provided herein, the superintendent of the wastewater system, in conjunction with the town codes enforcer or his designated representative of the Town of Pegram, Tennessee, shall administer, implement, and enforce the provisions of this chapter. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 133 U.S.C. 1251, *et seq.*

(2) "Application for discharge." All forms prescribed by the town to be submitted by a potential user requesting permission to discharge into the POTW.

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

(4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either pre-cast or cast in place, constructed according to plans approved by the state health officer and/or by the superintendent of the wastewater system. In the case of approval granted by the state health officer, such written approval must be presented to the superintendent of the wastewater system for retention at town hall.

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

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

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

(c) The chief manager or presiding officer/president, if the industrial user is a limited liability company; or

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

(6) "Base charge." A monthly charge to recover the investment made by the town to provide the benefit of wastewater service. This charge is independent from the monthly usage resulting from discharge to the POTW.

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

(8) "Building sewer." A sewer line, wastewater forcemain or system that conveys wastewater from the premises of a user to the connection point with the POTW.

(9) "Class I user." Those users of the POTW whose non-industrial wastewater has an average biochemical oxygen demand of one hundred forty milligrams per liter (140 mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per liter (100 mg/l) by weight or less.

(10) "Class II user." Those users of the POTW whose non-industrial wastewater has an average biochemical oxygen demand that exceeds one hundred forty milligrams per liter concentration (140 mg/l) by weight and whose suspended solids discharge exceeds one hundred milligrams per liter concentration (100 mg/l).

(11) "Compatible pollutant." BOD, suspended solids, pH fecal coliform bacteria, and/or such additional pollutants as may now or may be in the future specified and allowed by state permit.

(12) "Cooling water." The water discharged from any use such as, but not limited to, air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(13) "Commercial user." All users of the wastewater system other than those owning and/or occupying residences.

(14) "Connection." Any physical tie or hookup made to the POTW.

(15) "Control authority." The "control authority" shall refer to the "approval authority" or the superintendent if the town has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

(16) "Customer." Any individual, partnership, corporation, association, or group who receives wastewater service from the town (see residential or commercial user).

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

(18) "Domestic wastewater." Wastewater that is generated by a residential or commercial user.

(19) "Environmental Protection Agency (EPA)." The United States Environmental Protection Agency or their duly authorized representative.

(20) "Forcemain." A pipe that conveys wastewater by means of pump or pressure or by any means other than gravity flow.

(21) "Garbage." Solid wastes produced by residential and/or commercial users.

(22) "Grab sample." A sample that is taken on a one (1) time basis.

(23) "Holding tank waste." Any waste contained in a vessel including, but not limited to, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(24) "Incompatible pollutant." A pollutant which is not a "compatible pollutant" as defined in this section.

(25) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (133 U.S.C. 1317), into the POTW, including but not limited to holding tank waste discharged into the system.

(26) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (133 U.S.C. 1342).

(27) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business, as differentiated from domestic wastewater.

(28) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or biological operation of the POTW.

(29) "Interference." The inhibition or disruption of the POTW which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of wastewater sludge use or disposal by the POTW in accordance with section 405 of the Act (133 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA applicable to the method of disposal or use employed by the town.)

(30) "Inspection fee." A monthly fee assessed to defray the cost of inspecting the septic tanks, effluent pumps, and appurtenances associated with the POTW.

(31) "National categorical pretreatment standard ("pretreatment standard")." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of 133 U.S.C. 1347, which applies to a specific category of industrial users.

(32) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(33) "National Pollutant Discharge Elimination System (NPDES)." The program for issuing, conditioning, and denying of permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act, as amended.

(34) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a categorical pretreatment standard, pursuant to section 307(c) 133 U.S.C. 1317, which will be applicable to such source if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after the proposal, "new source" refers to any source, the construction of which is commenced after the date of promulgation of the standard.

(35) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. The term shall be synonymous with residential or commercial user of the POTW.

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

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

(38) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,

sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(39) "Pretreatment of POTW flows." The reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes, or other means, except as prohibited by 40 C.F.R. section 40.36(d).

(40) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the tap fee shall accompany the said application.

(41) "Privilege fee." A fee imposed by the town on residential and commercial users to recover the cost of providing wastewater treatment facilities, treatment facility improvements, conveyance systems to provide service in existing service areas and new service areas, as well as the projected demand to the wastewater system.

(42) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of 133 U.S.C. 1292 which is owned in this instance by the Town of Pegram. This definition is intended to include the septic tank, effluent pump and appurtenances and any collection system that conveys wastewater to the POTW treatment plant(s), as well as the town POTW treatment plant(s). For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

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

(44) "Residence." A habitable building or structure occupied by a single family within the same deed recorded parcel and a duplex located in a residential district within the wastewater service area which is inhabited by the property owner in at least one (1) of the two (2) structural units (may also be referred to as "residential property owner").

(45) "Residential user." Users of the wastewater system who inhabit a residence.

(46) "Ready to serve charge." A charge assessed on a monthly basis against all existing residential property owners located within the wastewater service area who are not yet connected to the wastewater system (POTW).

(47) "Ready to serve customer." Existing residential property owner(s) located within the wastewater service area who is not yet connected to the wastewater system.

(48) "Septage." The settled solid matter that accumulates in a septic tank.

(49) "Septic tank." A watertight, horizontal, continuous flow, one (1) story sedimentation tank through which wastewater is allowed to flow slowly to permit suspended matter to settle to the bottom, where it is retained until anaerobic decomposition is established, resulting in the changing of some of the organic matter into liquid and gaseous substances and reduction in the quantity of sludge.

(50) "Septic tank effluent." The overflow of settled wastewater from a septic tank which has received primary treatment and has the biological characteristics of BOD of less than one hundred forty (140) mg/l and Suspended Solids (SS) of less than one hundred (100) mg/l.

(51) "Septic Tank Effluent Pump (STEP)." Low flow electrical pump station located downstream of the septic tank that is used to lift septic tank effluent up to a gravity sewer or into a low pressure forcemain.

(52) "Septic tank system." The septic tank, effluent pump, and appurtenances thereto.

(53) "Sewer." A pipe or conduit for carrying wastewater, the manholes, and other physical systems that provide a path of wastewater to the POTW treatment plant.

(54) "Shall." Indicative of a mandatory intent; while "may" is permissive.

(55) "State." State of Tennessee.

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

(57) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(58) "Storm sewer or storm drain." A pipe or conduit which carries waters and drainage, excluding wastewater and industrial wastes.

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

(60) "Superintendent." The person designated by the town to supervise the operation of the POTW.

(61) "Tap." The physical connection of the septic tank system to the POTW.

(62) "Tap fee." A charge assessed to recover the town's cost for the physical connection and inspection of the septic tank system and sewer line to the POTW.

(63) "Town." Town of Pegasus, Tennessee or the Board of Mayor and Aldermen of the Town of Pegasus, Tennessee; may also be referred to interchangeably as "city."

(64) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of C.W.A. section 307(a).

(65) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW. User also shall mean any occupied property or premises having a connection to the wastewater system or having access thereto.

(66) "User rate." A monthly charge for wastewater discharge to the POTW based on water consumption.

(67) "Wastewater." The liquid waste(s) from residential dwellings, commercial buildings, industrial facilities, and/or institutions, whether treated or untreated.

(68) "Wastewater service." The collection, treatment and disposal of wastewater by the Town of Pegasus.

(69) "Wastewater service area." That portion of the Town of Pegasus for which wastewater service is available to provide benefit to those properties located therein, as depicted on the wastewater service area map on record with the town recorder.

(70) "Wastewater system." The POTW.

(71) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. #1998-6, Aug. 1998, as amended by Ord. #1999-3, Feb. 1999, and Ord. #2002-03, April 2002, modified, and replaced by Ord. #2006-35, April 2006)

18-203. Connection to POTW. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the wastewater service area of the Town of Pegasus any human or animal excrement, garbage, or other objectionable waste.

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

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any facility intended or used for the primary disposal of wastewater, unless prior approval of the design, manufacture, and construction is granted by the Town of Pegasus.

(d) All owners of residences in existence prior to and as of the effective date of this chapter who are located within the wastewater service area shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

(e) Any owner of a newly constructed residence located within the wastewater service area, completed on or after the effective date of this chapter, shall connect to the public sewer and become a user of the public sewer system.

(f) Any residence located outside the wastewater service area that experiences failure of its septic system, as determined by the town, which is within five hundred feet (500') from the owner's nearest property line to an existing sewer line shall connect to and become a user of the wastewater system and shall become automatically incorporated into the wastewater service area.

(g) Any property which is adjacent to or abuts a right-of-way(s), easement(s) or appropriate utility corridor(s) within which sewer is located, presently or by future expansion, shall become automatically incorporated into the wastewater service area. The owner(s) of any such property made a part of the wastewater service area in this manner shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

Costs assessed by the town associated with connection to the POTW, including, but not limited to, the applicable rates, fees and charges, are determined by resolution in effect on the date of actual connection, and costs are not determined as of the date the subject property is made a part of the wastewater service area.

(h) All owners of structures other than a residence in existence prior to and as of the effective date of this subsection (1),¹ which are located within the wastewater service area, shall pay all commercial user charges, fees and rates due as if they are connected to the POTW but are permitted to continue to dispose of wastewater effluent, in a manner compliant with title 18, through the previously approved private disposal system located on their property until ownership of such property is transferred, by any means, or until the existing septic system experiences failure, as determined by the town, whichever occurs first. All new

¹The only properties to which this exception applies are as follows: 586 Hwy 70, 596 Hwy 70, 456/458 Hwy 70, 436 Hwy 70, 566 Hwy 70, 604 Highway 70, 704 Hwy 70, 710 Hwy 70, 718 Hwy 70, 726 Hwy 70, 479 Thompson Rd, 474 Thompson Rd, 480 Thompson Rd, 482 Thompson Rd, 4425 Hannah Ford Rd, 4484 Hannah Ford Rd, 4548 Sunnyfield Dr and the "Pegram Community Club" located on Thompson Rd. All properties mentioned are located within the Town Limits of Pegram, Tennessee.

owners of structures other than a residence, which are located within the wastewater service area, shall connect to the wastewater system and become commercial users.

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

(j) All residential property owners located outside the wastewater service area shall comply with the provisions of § 18-204 of this chapter.

(2) Expansion of wastewater service area. (a) Sewer extensions and wastewater service permissive. In addition to the manner of expanding the wastewater service area as provided herein above at § 18-203(1), prospective users whose property is located outside the existing wastewater service area may make application to the town and request that sewer extension and wastewater service is provided to their property.

The authority to make sewer extensions and to provide wastewater service inside or outside the Town of Pegram is permissive only and nothing contained herein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. The town makes no guarantee to anyone as to supplying wastewater service, and it shall not be liable to anyone for any loss or failure or interruption of wastewater service or the condition of such service.

The town reserves the right to restrict, curtail or refuse wastewater service for good and sufficient reason(s).

(b) Fees and cost for voluntary prospective users.

(i) Application fee. Any person, business, or developer desiring wastewater service must make application with the town recorder on the prescribed form and pay a non-refundable application fee of one hundred dollars (\$100.00).

(ii) All reasonable and necessary costs incurred by the town associated with the town engineer's investigation and evaluation of the feasibility of providing wastewater service to the applicant's property shall be passed along to and borne by the applicant. The superintendent and town engineer shall investigate the feasibility of providing service and, after conditional approval by the board of mayor and aldermen, report to the applicant in clear instructions regarding the town's requirements for providing service.

(iii) Further, all costs related to the approved physical extension of the sewer shall be borne by the applicant. The prospective user also shall obtain all necessary permits and pay all

associated permit fees in connection with the construction and placement of the infrastructure in an available right-of-way, and/or bear all costs associated with a right-of-way acquisition, as determined by the town, if a right-of-way is not readily available. No sewer extensions shall commence until such time as the applicant has made a deposit equal to the estimated cost(s) of the extension, as determined by the town.

(iv) When the town desires a sewer larger than that required for the applicant's needs, the town will be responsible for the difference between what is needed to serve the applicant and the desires of the town.

(v) All costs incurred in connection, and associated in any way, with dedication of the sewer line extension by a user, also identified herein as prospective user(s), to the Town of Pegram, shall be borne by the user, who shall indemnify and hold the town harmless for same, including, but not limited to, all recordation fees charged by Cheatham County and/or the State of Tennessee.

(vi) Upon final approval of the application, the applicant shall be deemed a user subject to the provisions of title 18.

(c) Dedication of physical extension of sewer to town. (i) As a condition prerequisite to final approval of the application, every user, also identified herein as prospective user(s), at the user's expense, shall convey all ownership rights and interests and grant unto the town an irrevocable dedication of any sewer extension which is in accordance and compliance with title 18 of the municipal code, the POTW Design Standards Manual and the subdivision regulations of the town then in effect.

(ii) "Sewer extension(s)," as used throughout this title, shall mean all facilities necessary for proper collection of wastewater and conveyance to the connection with the town's existing POTW and/or any modifications to the POTW deemed by the town necessary to accommodate the additional wastewater serviced by the facilities.

(iii) The sewer extension shall be made a part of the town's wastewater service area upon completion and all property(ies) connecting to the sewer extension shall be deemed users subject to the provisions of title 18.

(iv) The sewer extension(s) shall be placed within a right-of-way. The town must approve any use of an existing right-of-way prior to a potential user utilizing same. Whenever a potential user must acquire a right-of-way for the purpose of a sewer extension, the location of such right-of-way must be pre-approved by the town, and the potential user, at the user's expense, shall convey all ownership rights and interest and grant

unto the town an irrevocable dedication of the new right-of-way, which is in accordance and compliance with title 18 of the municipal code, the POTW Design Standards Manual and the subdivision regulations of the town then in effect.

(v) The town hereby reserves the right to enter upon the user's property whensoever necessary to maintain, repair and inspect portions of the sewer extension, and at all such times, the property owner shall grant any additional temporary easement(s) to the town as are necessary to accomplish same. The potential user, at the user's expense, shall provide the town a permanent utility easement for said purpose, measuring an area not less than ten feet (10') from all sides of the sewer extension, prior to final approval of the potential user's application.

(3) Requirements prerequisite to physical connection to POTW.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the wastewater system or appurtenances thereof without first obtaining a written permit from the superintendent as required by § 18-205 of this chapter.

(b) All prospective residential and/or commercial users shall purchase and install the septic tank system subject to the restrictions and requirements contained herein and/or specified by the superintendent. All costs and expenses related to the installation of the septic tank system shall be paid by the prospective user. The prospective user shall, and hereby does, indemnify the town from any loss or damage to person or property, which directly or indirectly results from the installation of the septic tank system.

(c) As part of the septic system and building inspection, the superintendent shall verify that the commercial user's building sewer includes such devices and/or other methods as are necessary to preclude all prohibited substances, as defined herein, from being contributed to the POTW.

(d) All persons desiring to, or who are mandatorily required by the terms of this chapter to, connect to the POTW must first make application at town hall for the installation of a tap, on the form provided by the town, along with payment of all applicable fees and charges.

(e) Application for a tap shall be accompanied by a site plan evidencing the location of the existing building, sewer, septic tank, effluent pump and appurtenances that are to be connected to the POTW.

(f) In addition, the aforesaid site plan must include a description of a permanent utility easement which shall be granted to the town, and the same shall accompany the tap application. The applicant must have prepared, at his expense, the aforesaid permanent utility easement, which permits the town, or its designated representative, access to the septic tank system for maintenance, repair(s) and/or

inspection(s). The said easement shall be an area not less than ten feet (10') from all sides of the septic tank and effluent pump as well ten feet (10') on either side of the effluent pump discharge line, extending from the property line to ten feet (10') past the septic tank. The town hereby reserves the right to enter upon the property whensoever necessary to maintain, repair and inspect the septic tank system, and at all such times, the property owner shall grant any additional temporary easement(s) to the town as are necessary to accomplish same.

(g) Any property which is adjacent to or abuts a right-of-way(s), easement(s) or appropriate utility corridor(s) within which sewer is located, presently or by future expansion, shall become automatically incorporated into the wastewater service area. The owner(s) of any such property made a part of the wastewater service area in this manner shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

Costs assessed by the town associated with connection to the POTW, including, but not limited to, the applicable rates, fees and charges, are determined by resolution in effect on the date of actual connection, and costs are not determined as of the date the subject property is made a part of the wastewater service area.

(h) All users issued tap permits prior to the effective date of this subsection who have previously granted the town any easement(s) related to wastewater treatment and/or the septic tank system situated on the user's property shall cooperate with the town in order to correct such easement(s) to bring them into compliance with the provisions of this subsection. Each user issued a tap permit prior to the effective date of this subsection who has not yet granted the town an easement to enter upon his/her property for the purpose of maintaining, repairing and/or inspecting the septic tank system located thereon shall immediately execute a right-of-entry to the town granting the town, or its designated representative, access to the septic tank system located on his/her property in order for the town to maintain, repair and/or inspect the said septic tank system. Should a user's existing septic tank system experience failure or require repair, as determined by the town, the user shall promptly grant a permanent utility easement to the town in accordance with the requirements and specifications set forth above in subsection (f).

(i) In addition, the property owner expressly permits the Town of Pegram to enter upon his property in order to access the electrical line and control panel as reasonably necessary.

(j) All users within the wastewater services area shall convey all ownership rights and interests of their septic tank system to the town at no charge in return for the benefit of the POTW.

(k) Upon approval of the tap application, site plan and easement, and after conveyance of the septic tank system to the town, the town shall make the tap and record the easement.

(l) Each applicant will be required, at his expense, to convey his wastewater to the easement line at the nearest point to septic tank influent (i.e., building sewer), subject to approval of said connection by the Town of Pegram.

(4) Building sewer and septic tank. (a) A separate and independent building sewer is required for every building in the Town of Pegram.

(b) Existing building sewers may be used in connection with new buildings only when they are found on examination and after testing by the superintendent to meet all requirements of this chapter.

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

(i) Gravity building sewers shall be not less than four inches (4") in diameter and shall be laid with a slope (grade) of not less than one-fourth inch (1/4") per foot;

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

(iii) Gravity building sewers six inches (6") or larger in diameter shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second;

(iv) Building sewers shall be laid in the most direct course possible. They shall be installed in a straight line and on uniform grade;

(v) Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the POTW, wastewater carried by such building sewer shall be lifted by an approved means and discharged to the POTW. The "lift" station from the building sewer to the POTW shall be owned, operated and maintained by the owner, and shall be considered a private lift station system;

(vi) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer that in turn is connected directly or indirectly to the POTW. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be

discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or a natural outlet;

(vii) Car wash bays, refuse container pads, and other similar areas that are outside or otherwise exposed to the outside environment that have building sewers connected to the POTW must be protected from the inflow of rainwater and runoff water by being properly covered overhead. Outside the immediate basin area, the grade shall be sloped away from the drain, and a curb or berm shall divert surface water away from the drain;

(viii) Building sewers shall be constructed only of materials as may be approved by the superintendent. Under no circumstances are cement mortar joints acceptable. Only the following types of pipe are acceptable for building sewers:

(A) Extra heavy cast iron or ductile iron soil pipe in compliance with commercial standard CS188-59, with a coal tar pitch coating and rubber gasket-type joints; or

(B) Polyvinyl Chloride (PVC) plastic drain, waste and vent (DWV) pipe in compliance with ASTM D 2665 Schedule 40, and may be jointed with solvent cement; or

(C) Extra-strength concrete pipe in compliance with ASTM C14-69, except as modified herein, the minimum wall thickness for four inch (4") pipe shall be one and one-fourth inches (1 1/4"), and the absorption shall not exceed six and one-half percent (6 1/2%). Joints shall be O-ring rubber gasket type conforming to ASTM Des. C-443.

(ix) One (1) cleanout shall be located five feet (5') outside of the building, a second as it connects to the POTW, and additional cleanouts at each change of direction of the building sewer greater than forty-five degrees (45°). All cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "y" joint and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") in diameter on a four inch (4") pipe. Cleanouts for existing pipes smaller than four inch (4") diameter shall be equal to the pipe diameter;

(x) An installed building sewer shall be gastight, watertight, and meet the pressure requirements of the POTW;

(xi) Connections of building sewers to the POTW shall be made at the appropriate existing "y" or tee branch using compression type couplings or collar type rubber joints with corrosion resisting or stainless steel bands. Where existing "y" or tee branches are not available, connections of building sewers shall be made by either removing a length of pipe and replacing it with a "y" or tee fitting or cutting a clean opening in the existing sewer

and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight, watertight, and meet the pressure requirements of the receiving POTW;

(xii) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code and/or other applicable rules and regulations of the town and to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. The superintendent, before installation, must approve any deviation from the prescribed procedures and materials;

(xiii) All septic tanks will have a minimum volume of one thousand one hundred (1,100) gallons for residences and a minimum volume to be determined by the town for all other structures. No structure of any kind may be placed over a septic tank;

(xiv) All users shall install a septic tank effluent pump and appurtenances of the size, design, manufacture, and construction approved by the town to insure compatibility with the POTW;

(xv) Septic tank capacity and dimensions for other than residences shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation (TDEC) as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields";

(xvi) Where wastewater service is not available, the effluent shall be discharged in such a manner that it will 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 state health officer or county-designated health officer as determined by acceptable soil percolation data (see also chapter 4);

(xvii) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the user, at his cost, in a manner satisfactory to the town; and

(xviii) Each individual property owner or user of the POTW shall be responsible for and bear the cost of the satisfactory repairs and/or replacement of the building sewer. Such repair or

replacement shall be inspected and approved by the superintendent or his authorized representative. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006, amended by Ord. #2006-40, Dec. 2006, Ord. #2007-43, Feb. 2007, and Ord. #2008-58, March 2008)

18-204. Wastewater disposal for residences outside the wastewater service area. (1) Availability. All owners of residences located outside the wastewater service area (hereinafter cumulatively called "owner") shall connect their building sewers to a private wastewater disposal system which complies with the provisions of this chapter and chapter 4.

(2) Requirements. (a) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain written permission from the town and the Cheatham County Environmental Department. The owner shall supply any and all plans, specifications, and other information as are deemed necessary by the town and/or the Cheatham County Environmental Department.

(b) No private wastewater disposal system may employ subsurface soil absorption facilities where the area of the lot is less than that specified by the town or the Cheatham County Environmental Department.

(c) A private wastewater disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and the Cheatham County Environmental Department, who shall be allowed to inspect the work at any and all stage(s) of construction. The owner is required to notify the town and the Cheatham County Environmental Department that the work is ready for final inspection. Final inspection shall be made within a reasonable period of time after receipt or notice by the town and the Cheatham County Environmental Department.

(d) The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the State of Tennessee Department of Public Health, the town, and the Cheatham County Environmental Department. No septic tank shall be permitted to discharge to any natural outlet.

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

(f) No statement contained in this section shall be construed to permit or preclude any additional requirements that may be imposed by the town and/or the Cheatham County Environmental Department. (Ord. #1998-6, Aug. 1998, as amended by Ord. #2002-02, April 2002, modified, Ord. #2003-7, Jan. 2004, and replaced by Ord. #2006-35, April 2006)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such act(s) or service(s). Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form with the town. The applicant may be a resident of Pegram or a service provider hired by the resident. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant, or a service provider hired by the applicant, has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

In the event that any person, firm, association or corporation has need to commence the cleaning out, draining, or flushing of a septic tank or any other type of wastewater or excreta disposal system on an emergency basis, which shall be defined as a time in which the town hall is closed for business, including weekends, holidays or before or after normal business hours but excluding the lunch hour of a regular business day, the said permit must be obtained by the resident or service provider no later than the close of the next regular business day.

Any such permit granted shall be valid for ninety (90) days, unless sooner revoked. Each permit shall be non-transferable, and a separate permit shall be required for each act of cleaning out, draining, or flushing each septic tank or any other type of wastewater or excreta disposal system. The permit granted hereunder, or a copy thereof, shall be plainly displayed in the window of each motor vehicle used in the conduct of the business permitted hereunder.

Failure to obtain a permit, as specified herein, or to otherwise comply with any provision of this chapter shall be punishable by a fine of fifty dollars (\$50.00) per offense. Each day of noncompliance herewith shall constitute a separate and distinct offense.

(2) Fees. For each permit issued, a fee shall be paid to the town in the amount of ten dollars (\$10.00) to cover administrative costs.

(3) Designated disposal locations. The emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for shall be at a location(s) approved by TDEC and in compliance with all regulatory permits, certifications, standards, and all federal and/or state laws. It shall be a violation hereof for any person, firm, association or corporation to otherwise empty or clean such equipment.

(4) Revocation of permit. Failure to comply with any provision of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006, and amended by Ord. #2007-43, Feb. 2007)

18-206. Applications for residential and commercial wastewater discharge and industrial wastewater discharge permits. (1) Applications for discharge of residential and commercial domestic wastewater. All prospective residential and commercial users who generate wastewater shall make application to the superintendent for written authorization to discharge to the POTW on the form(s) provided by the town. Applications shall be required from all new dischargers, as well as from any existing discharger desiring additional service. The tap to the POTW shall not be made until the application is received and approved by the superintendent, the septic tank system is installed in accordance with this chapter, and the superintendent or his representative has performed an inspection.

Receipt by the town of a prospective user's application for service shall not obligate the town to render service. If the service applied for cannot reasonably be supplied in accordance with this chapter and the town's rules and regulations and general practice, the tap and privilege fees will be refunded in full and the town shall bear no obligation or liability to the applicant for such service, except that conditional waivers for additional service(s) may be granted by the superintendent for interim periods if compliance can be assured within a reasonable period of time.

Applications shall be considered within sixty (60) days of receipt of the completed form(s) and all fees. Determination on the application shall be provided by the town to the applicant within ninety (90) days thereafter.

Approved applicants shall be provided a tap by the town within ninety (90) days of application approval. The town will take every measure to timely consider all applications, being mindful of the nature of a need, but does not guarantee service.

A prospective user may appeal denial of an application according to the process set forth in § 18-209(10).

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall have a current and valid wastewater discharge permit.

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

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent and accompanied by the appropriate fee. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the town and shall include, but not be limited to, the following

information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged, a description of existing and proposed pretreatment and/or equalization, a detailed schedule of design and implementation activities and any other information deemed necessary by the superintendent. Information furnished should include: each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day); and number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit, submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(iv) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard and in no case may it exceed one (1) year from receipt of notice from the town. For the purpose of this subsection, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

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

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

(vii) The superintendent will act only on applications containing all of the information required in this chapter. The superintendent will notify persons who have filed incomplete applications that the application is deficient and the nature of such deficiency and the applicant shall have thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, as well as all user charges and/or fees established by the town. Permits may contain the following:

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

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

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

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

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

(vi) Compliance schedules;

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

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

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

(x) Requirements for notification of sludge discharged;

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

(d) Progress reports. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit(s) issued to users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user subject to a national categorical pretreatment standard who has not previously submitted an application for a wastewater discharge permit shall apply for same within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, a user holding a current wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsection (b)(ii) of this chapter.

Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, but not limited to, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay and all steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between any two (2) consecutive progress reports to the superintendent.

(e) Permit modifications. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause arises. The user shall be informed of any proposed change in his permit at least thirty (30) days prior to the effective date of change. Any change in the permit shall include a reasonable time allotment for compliance.

(f) Permits shall be issued for a specified time period, established by the town on a case-by-case basis, not to exceed five (5) years. A permit may be issued for a period "less than one (1) year" or may specify an expiration date. The user shall apply for permit re-issuance no less than one hundred eighty (180) days prior to the expiration of the user's currently valid permit.

(g) Permit non-transferable. Wastewater discharge permits are issued to a specific user for a specific purpose. A wastewater discharge permit shall not be reassigned, transferred or sold without prior approval by the town. Any succeeding owner or user shall comply with all terms and conditions of the currently valid permit.

(h) Revocation of permit. Any permit issued pursuant to this chapter is subject to modification, suspension, or revocation in whole or in part, at any time, for cause including, but not limited to, the following:

(i) Violation of any term(s) or condition(s) of the wastewater discharge permit or other applicable federal, state, or local law or regulation;

(ii) Obtaining a permit by misrepresentation and/or failure to disclose fully all relevant facts and/or information;

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

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

(v) Any other or further violation, act or omission by the user.

(3) Confidential information. All information and data compiled about a user, whether obtained from reports, questionnaire, permit application, permits, monitoring programs and/or inspections, shall be available to the public and/or any governmental agency, without restriction, unless the user specifically requests and demonstrates to the satisfaction of the superintendent that the release of such information will divulge information, processes, or methods of production which are entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use(s) related to this chapter or the town's or user's NPDES permit(s). Provided, however, that such portion(s) of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user or unless ordered to do so by a court of competent jurisdiction. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly into the POTW, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other national state or local pretreatment

standards or requirements. A user shall not contribute the following substances to any POTW:

(a) Any liquids, solids, or gas(es), which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor may any single reading be over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides, and any other substances which the town, the state or the EPA has notified the user is a fire hazard to the wastewater system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 6.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant is identified pursuant to section 307(a) of the Act.

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

(f) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under

section 405 of the Act or criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

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

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

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference and, in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) Celsius (one hundred four degrees (104°) Fahrenheit).

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

(k) Any water(s) or wastewater(s) causing an unusual volume of low concentration of waste constituting "sludge" as defined herein.

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

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

(n) Any water(s) or waste(s) containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) or one hundred fifty degrees (150°) Fahrenheit (zero (0°) and sixty-five (65°) degrees Celsius).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the TDEC. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the TDEC to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater that exceeds the following set of standards (Table A - User Discharge Restrictions), unless an exception is specifically permitted in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Compatible wastes:		
Biochemical Oxygen Demand (BOD)	140*	NA
Settleable solids (ml/l)	15*	20
Total suspended solids	100*	NA
Nitrogen (total Kjeldahl)	20*	40
Incompatible wastes:		
Antimony	5.0	8.0
Arsenic	1.0	1.5
Barium	35.0	50.0
Boron	0.2	0.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Cobalt	10.0	15.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Fluoride	45.0	70.0
Iron (total)	45.0	70.0
Lead	1.0	1.5
Magnesium	10.0	15.0
Manganese	1.0	1.5
Mercury	0.1	0.2

Pollutant	Daily Average*	
	Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Nickel	3.0	4.5
Phosphorus (total P)	10.0	15.0
Potassium	10.0	15.0
Pesticides and herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Strontium	30.0	50.0
Tin	10.0	15.0
Titanium	3.0	5.0
Zinc	0.1	0.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0
Phenols	10.0	15.0
Hexane or ether soluble substances	100.0	150.0
Total oil, grease, wax and fats	50.0	

*Based on twenty-four (24) hour flow proportional composite samples.

All constituents must satisfy conditions established by Table B in order for user to discharge levels stipulated in Table A. The influent cannot contain any more micrograms per liter than listed below.

Carbon tetrachloride	5 ug/l
Chromium (hexavalent)	375 ug/l
Chloroform	21 ug/l
Chromium (trivalent)	375 ug/l
Tetrachloroethylene	138 ug/l
Nickel	272 ug/l

Trichloroethylene	100 ug/l
Cadmium	33 ug/l
1, 2 Transdichloroethylene	7.5 ug/l
Lead	25 ug/l
Methylene chloride	104 ug/l
Mercury	6 ug/l
Phenol	27 ug/l
Silver	29 ug/l
Naphthalene	12.5 ug/l
Zinc	1052 ug/l
Bis (2-ethyl hexyl phthalate)	BDL**
Cyanide	605 ug/l
Butyl benzyl phthalate	BDL**
Toluene	214 ug/l
Benzene	13 ug/l
1,1,1-Trichloroethane	250 ug/l
Di-n-butyl phthalate	BDL**
Ethyl benzene	40 ug/l
Dichthyl phthalate	305 ug/l

**BDL - Below Detectable Limit

(3) Protection of wastewater treatment plant influent. The superintendent shall monitor the POTW influent for each parameter in the following table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by Table A, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that:

- (a) The POTW effluent standards are changed;
- (b) There are changes in any applicable law or regulation affecting same; or
- (c) Changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum dissolved (AL)	3.000	6.000
Antimony (Sb)	0.500	1.000
Arsenic (As)	0.060	0.120
Barium (Ba)	2.500	5.000
Boron (B)	0.400	0.800
Cadmium (Cd)	0.004	0.008
Chromium hex	0.060	0.120
Cobalt (Co)	0.030	0.060
Copper (Cu)	0.160	0.320
Cyanide (CN)	0.030	0.060
Fluoride (F)	0.600	1.200
Iron (Fe)	3.000	6.000
Lead (Pb)	0.100	0.200
Manganese (Mn)	0.100	0.200
Mercury (Hg)	0.025	0.050
Nickel (Ni)	0.150	0.300
Pesticides and herbicides	0.001	0.002
Phenols	1.000	2.000
Selenium (Se)	0.010	0.020
Silver (Ag)	0.050	0.100
Sulfide	25.000	40.000
Zinc (Zn)	0.300	0.600
Total Kjeldahl Nitrogen (TKN)	45.000	90.000

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Oil and grease	50.000	100.000
MBAS	5.000	10.000
BOD	**	
Suspended solids	**	
Specific compounds		Maximum Instantaneous Concentration (Grab Sample)
Chloroform		21 ug/l
Chromium (trivalent)		375 ug/l
Tetrachloroethylene		138 ug/l
Trichloroethylene		100 ug/l
1, 2 Transdichloroethylene		75 ug/l
Methylene chloride		104 ug/l
Naphthalene		12.5 ug/l
Bis (2-ethyl hexyl phthalate)		BDL***
Butyl benzyl phthalate		BDL***
Toluene		214 ug/l
Benzene		13 ug/l
1,1,1-Trichloroethane		250 ug/l
Di-n-butyl phthalate		BDL***
Ethyl benzene		40 ug/l
Diethyl phthalate		305 ug/l

**Not to exceed the design capacity of POTW.

***BDL - Below Detectable Limits

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

(5) Right to establish more restrictive criteria. No statement contained herein is intended, or may be construed, to prohibit the superintendent from establishing specific wastewater discharge criteria which are more restrictive than those set out herein, if it is determined that wastes are harmful or destructive to the POTW, or creating a public nuisance, or causing the discharge of the POTW to violate effluent or stream quality standards, or interfering with the use of handling of sludge, or resulting in a violation of the NPDES permit, or exceeding industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the TDEC and/or the EPA.

(6) Special agreements. Nothing in this chapter shall be construed so as to prevent any special agreement or arrangement between the town and any user of the POTW, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the ability of the POTW to handle such wastes without interfering with unit operations or sludge use and to handle or allow the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement shall be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Commercial users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-207(1), (2) and (3) of this chapter. Exceptions may be granted according to the following guidelines:

The superintendent shall allow applications for temporary exceptions at any time. The same shall be submitted to town hall on the prescribed form, along with payment of the application fee of one hundred dollars (\$100.00). However, the superintendent shall not accept an application if the applicant has submitted the same or a substantially similar application within the preceding year which has been denied by the town.

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

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

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

(i) Interfere with the normal collection and operation of the POTW;

(ii) Limit the sludge management alternatives available and/or increase the cost of providing adequate sludge management; and

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

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

A surcharge shall be applied to any exception granted. These surcharges shall be applied pursuant to § 18-301(6)(b)(ii) for the stipulated concentration based on the user's average daily flow.

(c) Review of application by the superintendent. The superintendent shall review all applications for exception. If the application does not contain sufficient information, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. The board of mayor and aldermen, upon written request and for just cause shown, may extend this thirty (30) day period. Upon receipt of a completed application, the superintendent shall evaluate the same within thirty (30) days and submit his recommendations to the board of mayor and aldermen at its next regularly scheduled meeting. Exceptions shall only be granted by the board of mayor and aldermen.

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

(i) Whether or not the applicant is subject to a national categorical pretreatment standard containing discharge limitations more stringent than those in this chapter, and then may grant an

exception only if such exception can be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA, pursuant to section 307(a) of the Act (133 U.S.C. 1317), and then may grant an exception only if such exception can be granted within the limitations of applicable federal regulations:

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

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

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

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

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

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

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

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the town by telephone to allow for countermeasures to be taken by the superintendent in order to minimize damage to the POTW, the public, and/or the environment.

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

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

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board, or other prominent place, advising employees of whom to call in the event of a dangerous discharge.

Employers shall ensure that all employees are advised of the emergency notification procedure.

(9) **Loss of service.** In the event of loss of service, the user shall contact the town as soon as practicable. The superintendent will initiate a response to the loss of service within a reasonable time after notification. Such reasonable time shall be determined on a case-by-case basis commensurate with the nature and the precipitating cause of the loss. The superintendent is authorized to repair and/or otherwise correct the loss of service, and the cost of same will be borne by the town. However, in the event that the loss is determined to be due to the user's negligent and/or intentional acts and/or omissions, all costs associated with the repair and/or correction of service shall be borne by the user and reimbursed to the town within sixty (60) days of expenditure. (Ord. #1996-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) **Monitoring facilities.** The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. The said monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different

operations of a single user, the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

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

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

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The user shall indemnify the town from any and all liability associated with the monitoring facility, its operation and/or maintenance. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user is notified, in writing, of the necessity of monitoring facilities, construction must be completed within one hundred eighty (180) days following written notification, unless the superintendent grants an extension.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose(s) of this chapter is/are being met and all requirements are being complied with. Persons or occupants of any premises where wastewater is created or discharged shall allow the town, or its representative, ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, record examination or in the performance of any associated act. The town approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his security guard(s) so that, upon presentation of suitable identification, personnel from the town approval authority and/or EPA will be permitted to enter without delay for the purpose(s) of performing their specific responsibility. The superintendent, or his representative(s), shall not inquire into any manufacturing process that does not have a direct bearing on the level and source(s) of discharge to the sewers, waterways, or POTW.

In the event a user refuses inspection, an administrative inspection warrant shall issue, requiring the user to appear before the wastewater commissioner board to show cause, if any exists, why the refusal is justified and/or why the board's proposed enforcement of this chapter should not be taken. The procedure for said hearing shall be the same as that set forth in § 18-209(5). The board may issue an order to the user refusing inspection that directs, following a specified time period, the wastewater service to be discontinued unless inspection is allowed. Further orders and directives, as are necessary and appropriate, may be issued.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a notary public.

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

(b) The superintendent may impose mass limitations on users where appropriate. In such case(s), the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge including, but not limited to, the flow and the nature and concentration, or production and mass,

where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the superintendent pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, and amendments thereto, or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

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

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The date(s) analysis was performed;
- (c) The date, name, title and address of person(s) performing the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analysis.

Any industrial user subject to the reporting requirement established in this chapter shall retain all records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) for three (3) years and shall make such records available in inspection and copying by the superintendent, director of the division of water quality control, TDEC, or the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user when requested by the superintendent, the approval authority, or the EPA.

(6) Safety. While performing the necessary work on private properties, the superintendent, or duly authorized employees of the town, shall observe those safety rules applicable to the premises and established by the company, which are provided in written form to the town prior to the performance of work. Town employees will be covered by workers' compensation insurance provided by the town. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-209. Enforcement and abatement. (1) Public nuisance. Discharge(s) of wastewater in any manner in violation of this chapter or of any order issued by the superintendent, as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town codes and/or ordinances, state statutes and/or common law governing such nuisance.

(2) Issuance of cease and desist orders. When the superintendent determines that a discharge of wastewater has taken place in violation of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist and direct that the person(s) not in compliance:

- (a) Comply forthwith and in accordance with a time schedule set forth by the superintendent; and/or
- (b) Take appropriate remedial or preventive action in the event of a threatened or impending violation; and/or
- (c) Appear for a show cause hearing to determine surrender or revocation of the user's applicable permit.

Failure by the superintendent to issue a cease and desist order to a violating user shall not in any way forgive the violation or relieve the user from any consequence(s) of a wrongful or illegal discharge.

(3) Schedule of remedial/corrective actions. When the superintendent determines that a discharge of wastewater has been taking place in violation of this chapter, or wastewater source control requirements, or effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval a detailed time schedule of specific actions which the user shall take in order to prevent or correct the violation(s). Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of a cease and desist order, and the superintendent may modify the schedule as he deems necessary. Such modifications shall be mandatory and shall be given a presumption of correctness when reviewed by the wastewater commissioner's board and/or a court of competent jurisdiction.

(4) Establishment of wastewater commissioner board. A wastewater commissioner board (also known as a "board of sewage commissioners") hereby is established pursuant to and subject to the provisions of Tennessee Code Annotated, § 7-35-406. The board of mayor and aldermen shall perform the duties required of the said wastewater commissioner board unless the board of mayor and aldermen shall, by resolution, appoint a wastewater commissioner board of five (5) residential property owners pursuant to Tennessee Code Annotated, §§ 7-35-407 through 7-35-409.

(5) Show cause hearing. (a) The town may order any user who causes or allows any unauthorized discharge to enter the POTW to appear and show cause, if any exists, why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the user to show cause, if any, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

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

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

(ii) Take the evidence;

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

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

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

(6) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which, in the opinion of the superintendent, presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POTW, the superintendent, or in his absence the person then in charge of the POTW, shall immediately notify the mayor, or in his absence, the vice-mayor, of the nature of the emergency. The superintendent also shall attempt to notify the user or other person causing the emergency and request his assistance in abating it. Following consultation with the aforementioned official(s) of the town, or in their absence such elected officials of the town as may be available, the superintendent shall temporarily terminate the service of such user(s) as is necessary to abate the condition when such action appears reasonably necessary. The superintendent shall restore such service as soon as the emergency situation has been abated or corrected.

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

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required in cleaning and/or repairing the facility and shall automatically add such charge to the user's next wastewater service bill.

(9) Legal action and civil liabilities. If any person discharges wastewater or industrial wastes, of any type whatsoever, into the town's wastewater system contrary to any state or federal pretreatment requirements, any provisions of this chapter, the municipal code or any other order by the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Cheatham County.

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

The Town of Pegram may sue for damages, including, but not limited to, attorney fees, litigation expenses, and court costs, in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent or harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

(10) Appeal process. Any user or potential user who does not agree with the action(s) and/or decision(s) of the town, under this chapter, may appeal such action(s) and/or the decision(s) to the wastewater commissioner board by filing an appeal with the town recorder within ten (10) days of the opposed action(s) and/or decision(s). The appeal shall be accompanied by a non-refundable filing fee in the amount of one hundred dollars (\$100.00).

Appeal may be taken from a decision rendered by the wastewater commissioner board to the board of mayor and aldermen within ten (10) days of the decision being entered. An additional non-refundable filing fee in the amount of one hundred dollars (\$100.00) is required for such appeal. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-210. Penalties and costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who has willfully or negligently failed to comply with any provision of this chapter, or any order, rule, regulation and/or permit issued hereunder, shall be fined fifty dollars (\$50.00) for each offense. Each day in which a violation shall occur or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or any order, rule, regulation, and/or permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or the wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required hereunder shall, upon conviction, be punished by a fine of fifty dollars (\$50.00) per offense. Each day in which the violation continues to occur and is not rectified shall constitute a separate offense. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-211. [Deleted.] (Ord. #1998-6, Aug. 1998, as deleted by Ord. #2006-35, April 2006)

CHAPTER 3

USER RATES, CHARGES AND FEES; BILLING¹

SECTION

- 18-301. Purpose.
- 18-302. Types of rates, fees and charges.
- 18-303. Application for discharge fee.
- 18-304. Tap fees.
- 18-305. Privilege fees.
- 18-306. User classifications and determination of costs.
- 18-307. Surcharge fees.
- 18-308. Ready to serve charge.
- 18-309. Inspection fees.
- 18-310. Disconnection/reconnection charge.
- 18-311. Industrial discharge monitoring.
- 18-312. Billing.
- 18-313. Failure to pay.

18-301. Purpose. It is the purpose of this section to provide for the full and equitable recovery of costs from users of the town's POTW, including, but not limited to, costs of operation, maintenance, administration, bond service, capital improvements, renewal and replacement, and reserve accounts. (Ord. #2002-08, May 2002, modified, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-302. Types of rates, fees and charges. The board of mayor and aldermen hereby establishes and maintains just and equitable rates, fees and charges for the use of and service rendered by the POTW, to be paid by the beneficiaries of the system, as follows:

- (1) Tap fees;
- (2) Privilege fees;
- (3) User charges;
- (4) Surcharge charge;
- (5) Ready to serve charge(s);
- (6) Inspection fee;
- (7) Disconnection/reconnection charge(s);
- (8) Application fees;
- (9) Residential and commercial wastewater discharge permit fees;
- (10) Industrial wastewater discharge permit fees;

¹All schedules of rates and fees, as amended from time to time, are available in the recorder's office.

- (11) Fees for industrial discharge monitoring; and
- (12) Other fees as the town may deem necessary to carry out the requirements of this chapter.

The board of mayor and aldermen shall establish by resolution from time to time, as is necessary, the schedule of reasonable rates, fees and charges for the services, facilities and commodities of the POTW. (Ord. #2002-08, May 2002, modified, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-303. Application for discharge fee. A fee will be charged when an existing or prospective residential, commercial or industrial user makes application for discharge as required by § 18-206. The application fee is fifty dollars (\$50.00). (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-304. Tap fees. The tap fees are set forth by resolution. The tap fee covers the town's cost for the physical connection and inspection of the septic tank system and sewer line to the POTW for residential, commercial and industrial users.

Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the tap fee shall accompany the said application. (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-305. Privilege fees. Privilege fees are set forth by resolution. A privilege fee is imposed by the town on residential, commercial, and industrial users to recover the cost of wastewater treatment facilities, treatment facility improvements, and public wastewater conveyance systems to provide service in existing service areas and new service areas, as well as the projected demand to the wastewater system.

Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the privilege fee shall accompany the said application. (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-306. User classifications and determination of costs.

(1) **Classification.** Users of the POTW shall be classified into three (3) general classes of categories depending upon the user's contribution of wastewater loads; each class of user being identified as follows:

- (a) Class I: Those users whose average biochemical oxygen demand is one hundred forty milligrams per liter (140/mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per

liter (100 mg/l) by weight or less. This class of users discharges wastewater into the small diameter sewage collection system, which has received primary treatment in a septic tank and is deemed compatible with the small diameter collection system.

(b) Class II: Those users whose average biochemical oxygen demand exceeds one hundred forty milligrams per liter concentration (140 mg/l) by weight and whose suspended solids exceeds one hundred milligrams per liter concentration (100 mg/l). Class II users discharge wastewater into the small diameter sewage collection system, which has not received adequate primary treatment in a septic tank or by other means and is, therefore, deemed incompatible with the small diameter collection system. This class of user is discouraged and in most areas cannot be served by the small diameter collection system without significant additional transportation costs to be borne by the user.

(c) Industrial users that generate wastewater greater in strength than Class I users shall be required to pretreat the waste to the strength specified for Class I users.

(2) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs, operation and maintenance costs of the wastewater collection and treatment system, debt service costs and depreciation costs.

(a) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased (\$/1,000 gallons).

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

(c) The volume of water purchased, which is used in the calculation of sewer use charges, may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the POTW (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the POTW.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW are in

excess of those contemplated in § 18-306(1)(a), thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

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

Abbreviations:

C_u = Total user charge per unit of time.

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

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of Biochemical Oxygen Demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

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

S_u = Total suspended solids contribution from a user per unit of time.

(as added by Ord. #2006-35, April 2006)

18-307. Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances is creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the user according to discharge of such parameter(s) in proportion to the amount of discharge. (as added by Ord. #2006-35, April 2006)

18-308. Ready to serve charge. The ready to serve charge is set forth by resolution. A ready to serve charge shall be assessed against all existing residential property owners located within the wastewater service area who are not yet connected to the wastewater system. (as added by Ord. #2006-35, April 2006)

18-309. Inspection fees. The inspection fees are set forth by resolution. An inspection fee shall be assessed to defray the cost of inspecting the septic tank system. (as added by Ord. #2006-35, April 2006)

18-310. Disconnection/reconnection charge. The disconnection/reconnection charge is set forth by resolution. A disconnection/reconnection charge shall be assessed against all users who receive wastewater service from the town but fail or refuse to pay for such service, whereby resulting in termination of their service. (as added by Ord. #2006-35, April 2006)

18-311. Industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and/or other administrative duties of the pretreatment program. (as added by Ord. #2006-35, April 2006)

18-312. Billing. The billing for usual and ordinary wastewater services shall consist of monthly billing in accordance with the rates specified by the town, subject to net and gross rates. (as added by Ord. #2006-35, April 2006)

18-313. Failure to pay. It shall be unlawful, and a civil offense, for any person, firm, or corporation, association, or any other person or organization, who receives wastewater service from the town, to fail or refuse to pay for such service.

The town shall have the following remedies in the event of the failure or refusal on the part of any person, firm, corporation, or any other person or organization that receives wastewater service, to pay for such service:

(1) Collect the amount owed by such customer as a civil debt; and/or
(2) Cite such customer into the municipal court and, upon conviction, impose a civil penalty on such customer in the amount of fifty dollars (\$50.00) per offense. Each day a violation continues shall constitute a separate and distinct offense; and/or

(3) Terminate the wastewater service, as follows;

(a) Written notice of the termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of the termination. The cut-off notice shall specify:

(i) The reason for the cut-off;

(ii) The amount due, including late charges and any other charges:

(iii) The last date to avoid service termination charges;

(iv) Notification that the customer has a right to a hearing prior to service termination, and the procedure(s) for emergency and/or hardship cases.

(b) The employee carrying out the termination procedure will attempt, before disconnecting service, to contact the customer at the premises in a final effort to collect payment and avoid termination.

(c) Hearings on service termination, as provided above, will be scheduled and held by appointment at the town hall office between the hours of 8:00 A.M. and 4:00 P.M. on any regular business day.

(d) Termination will not be made on any day preceding the day when the town hall is scheduled to be closed.

(e) If the customer does not pay the outstanding bill and does not request a termination hearing, the town shall proceed with the termination of wastewater service, as provided.

(f) Wastewater service will be reconnected only after payment of all wastewater rates, fees, and charges, including, but not limited to, late charges, or after satisfactory arrangements for payment of the same shall have been made, plus payment of reconnection charges.

(g) Disconnection/reconnection charges incurred by water customers of the public water utility shall be assessed and collected by the Second South Cheatham Utility District of Cheatham County, Tennessee ("SSCU") under its rules and regulations and in accordance with the billing and collection agreement, and all amendments thereto, between the town and SSCU, as well as the provisions set forth herein. When a Pegram sewer customer is not a water customer of SSCU, the town shall be responsible for collecting all unpaid balance(s) and charges. In addition, the town shall be entitled to recover all costs of collection of delinquent accounts, including, but not limited to, attorney fees.

(4) The town shall have the right to use the above remedies prescribed for the failure or refusal to pay wastewater bills collectively or selectively and in any and all combinations. In addition, the use of any or all of the above remedies by the town shall not prohibit or limit its right to use any other remedy that might now or in the future be authorized under state law. (as added by Ord. #2006-35, April 2006)

CHAPTER 4

SEPTIC TANK CONSTRUCTION SPECIFICATIONS

SECTION

18-401. Scope of standard septic tank construction and installation specifications.

18-402. Permit required.

18-403. Construction standards.

18-404. Reference standards.

18-405. Inclusion in the wastewater service area.

18-406. Requirements for operation of private wastewater disposal systems.

18-401. Scope of standard septic tank construction and installation specifications. (1) All new construction and/or installation of septic tanks and replacement of septic tanks within the wastewater service area shall be made pursuant to the POTW Design Standards Manual, whether intended for residential, commercial and/or industrial use, in conjunction with all state and local zoning rules and/or regulations, all local zoning and subdivision regulations, and all TDEC requirements.

(2) In all locations outside of the wastewater service area, where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter and § 18-204. (as added by Ord. #2006-35, April 2006)

18-402. Permit required. Before commencement of construction of a private wastewater system, the owner shall first obtain a written permit signed by the Cheatham County Environmental Office and provide the same to the town.

The applicant for the permit shall notify the local health department official and the town superintendent when the work is ready for final inspection and before any underground portions are covered. (as added by Ord. #2006-35, April 2006)

18-403. Construction standards. The type, capacity, locale and layout of a private wastewater system shall comply with all recommendations of the Cheatham County Environmental Office, TDEC, and the town superintendent, as well as all planning commission requirements. (See also Subdivision Regulations for the Town of Pegram.) (as added by Ord. #2006-35, April 2006)

18-404. Reference standards. Septic tank capacity and dimensions for all private wastewater systems shall be in accordance with the recommendations of TDEC, as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

and Disposal Fields," and the POTW Design Standards Manual. (as added by Ord. #2006-35, April 2006)

18-405. Inclusion in the wastewater service area. All residences on private wastewater systems shall be subject to inclusion in the wastewater service area, pursuant to § 18-203, and shall comply with all requirements set forth in § 18-203 accordingly. At such time as conversion to the POTW occurs, a direct connection shall be made to the POTW in compliance with the POTW Design Standards Manual, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be abandoned and filled with suitable materials, after approval of the material(s) by the town superintendent. The town superintendent shall be allowed to inspect the work at any state of construction, and the property owner shall notify the town superintendent when the work is ready for final inspection and before any underground portions are covered. (as added by Ord. #2006-35, April 2006)

18-406. Requirements for operation of private wastewater disposal systems. (1) The owner of a private wastewater system shall operate and maintain the private wastewater disposal facility(ies) in a sanitary manner at all times, at no expense to the Town of Pegram.

(2) No statement contained in this chapter is intended or shall be construed to interfere with any additional requirements that may be imposed by the health officer and/or the town superintendent. (as added by Ord. #2006-35, April 2006)