

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

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¹Municipal code references

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18-101. Creation and operation of utilities department. (1) There is created a department to be known as the Town of Smyrna Water and Sewer Department, which is the utilities department.

(2) The operation of the water and sewer department shall be under the supervision and control of the town manager or his designee, the director of utilities. It shall be the duty of the town manager or his designee to see that the water and sewer department is operated in compliance with the rules and regulations promulgated by the town council, the municipal code of the Town of Smyrna, federal and state regulations and the policies and procedures of the water and sewer department as may be adopted by appropriate ordinance.

(3) The rates to be charged for services of the water and sewer department shall be such rate schedules as the town may from time to time adopt by appropriate ordinance.

(4) The town manager or his designee, subject to the rules and regulations proscribed by the town council and the code of the Town of Smyrna, is authorized and empowered to enter into contracts with consumers for the furnishing of water and sewer services.

(5) Any consumer who fails to comply with the rules and regulations governing the operation of the water and sewer system and the code of the Town of Smyrna may have their water supply or sewer service discontinued.

(6) It shall be unlawful for any person to interfere with the operation of the water and sewer system. Tampering with meters, mains, or service lines without permission of the director of utilities or doing physical damage to meters or lines or in any manner interfering with the water supply or sewer service shall be unlawful.

18-102. Application for water. Persons, firms, or corporations desiring water connections shall make application to the water department, upon such forms as shall be prescribed and furnished by the water department. The application shall be signed by the owner of the premises, or the tenant or consumer, and shall state the location of the premises to be served, the street number, and the lot.

Within the corporate limits, should the premises to be served be new construction, the applicant shall show that a building permit approved by the building inspector of the Town of Smyrna has been issued for such construction. (1991 Code, § 18-102, modified)

18-103. Service connection and meter setting charges. Water taps and service pipes for new service on existing mains two (2) inches and smaller shall be installed by the water department from the main to the property line unless otherwise approved by the utilities director. The owner or consumer will

install all pipes and fixtures within the property line and keep the same in repair and shall attach to each water line a stop and waste cock. The owner is required to make all taps larger than two (2) inches and shall abide by the Town of Smyrna Standard Water and Sewer Specifications.

The meter settings shall be placed at suitable locations selected by the water department. For such connection and meter setting, the consumer, or property owner, at the time of making application therefor, shall pay to the water department, as the expense thereof, such charge as may be prescribed by the town council.

Such payment will be made promptly upon application for service.

An allowance for leaks occurring downstream of the water meter shall be made upon application for an adjustment. Proof shall be required that the water leak has been repaired. The most recent water bill will be adjusted to the actual cost of treated water as determined by the WTP. The sewer bill will be adjusted to the average usage at the location for the immediately preceding six (6) months. One adjustment per calendar year shall be allowed to include a maximum of two (2) billing cycles.

The size service and meter to be installed shall be within the discretion of the water department, as determined using methods prescribed by the American Water Works Association (AWWA) Manual M22. (1991 Code, § 18-103, modified)

18-104. Extension of mains. All extensions shall be done in accordance with the Town of Smyrna Standard Water and Sewer Specifications. Upon proposal to extend any main, a development agreement shall be executed with the Town of Smyrna, in accordance with the provisions of Title 14, Chapter 6 of the Smyrna Municipal Code. All extensions shall first be approved by the water department and the Tennessee Department of Environment and Conservation as to size and location of water mains. Extension of water mains shall be paid for by the user or promoter of the subdivision or development pursuant to the development agreement. Prior to commencing work on any extension, all permits, bonds, approvals, the required development agreement, and other requirements shall be executed, completed, and all necessary fees paid.

The capacity fee shall be due and payable as a condition of the final plat approval. Payment of said capacity fee is not subject to refund or reimbursement by the Town of Smyrna. (1991 Code, § 18-104, modified)

18-105. Meters. Each consumer will be supplied through a separate meter, except where a building under one ownership has a number of apartments or offices or mobile units, and the owner desires that the water department shall deal directly with the tenants which shall be at the discretion of the water department; in which event the developer will install for each tenant a separate meter setting and meter. The charge for such installation and setting shall be made at the service charge provided for by the town council.

Thereafter, each regular tenant in such building shall be a consumer and shall be subject to all of the applicable rules and regulations hereof.

Meters and meter settings must be accessible at all times and not covered with rubbish, vehicles or material of any kind. No one other than an authorized agent of the water department shall be permitted to repair, adjust, remove, or replace any meter or part thereof.

The consumer shall be responsible for any damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his agent, or employee, or any member of his family. Such consumer will be billed for the actual cost of repair or replacement, and such bill shall be paid within ten (10) days from the date of mailing thereof. (1991 Code, § 18-105, modified)

18-106. Meter tests. Should any consumer doubt the correctness of the meter registration, he may have the meter tested by making written application to the water department and by making a deposit in accordance with the fees adopted and set forth in the fee schedule adopted in accordance with the annual budget ordinance.

If, in such test, the meter is found to over register in excess of 4%, an allowance shall be made by the water department to the consumer according to such error and covering a period not to exceed the prior billing and the current consumption to date of removal of the meter. If the meter is found to over register in excess of 4%, all the expense incurred in the meter removal and test shall be borne by the water department, and the deposit shall be refunded. If, however, the meter is found to register an amount less than 104 percent, the deposit shall be accepted by the water department in payment of the expense of such removal and test.

The water department may discontinue to furnish water to any consumer who refuses permission to remove a meter in accordance with this section.

If any meter is relocated on application of and to suit the convenience of the consumer, or where relocation of a meter is required because of a change in grade of the lot and/or lot lines, such relocation and setting shall be made by the water department at the expense of the consumer. The bill rendered to the consumer for the expense thereof shall be paid within ten (10) days from the date of the mailing of such bill. (1991 Code, § 18-106, modified)

18-107. Private fire lines. Private fire lines or sprinkler lines will be installed by and at the expense of the consumer pursuant to the Town of Smyrna Standard Water and Sewer Specifications and payment of associated fees; such construction to be made in accordance with the specifications of the water department. Such lines shall be owned and maintained by the consumer. Fees for such shall be paid prior to installation.

Water department employees shall have access to the premises at all reasonable hours for the purpose of inspecting such private fire lines and/or sprinkler system. (1991 Code, § 18-108, modified)

18-108. Consumers not to supply water to others. Consumers shall not supply water, or allow water to be carried through a hose or pipe, to any premises other than that described in the application, without the consent of the water department. (1991 Code, § 18-109)

18-109. Supply of steam boilers. In no event shall a steam boiler be supplied directly from a water main of the town. In all cases in which water is supplied to steam boilers from the town mains, there shall be a tank or other receptacle located between the boiler and the water main, and such supply shall be taken directly from the water tank or receptacle. (1991 Code, § 18-110)

18-110. Illegal use of fire hydrants. No person other than authorized agents of the water department or fire department shall take water from a fire hydrant without the consent of the water department. (1991 Code, § 18-112)

18-111. No guarantee of pressure and/or supply. The water department does not guarantee to the consumer any fixed pressure or a continuous supply. In case of breaks in mains, service pipes, pumping machinery, reservoirs, or other equipment of the water department and for the purpose of extending, replacing, or cleaning mains, or any other necessary work in connection with mains, the water may be shut off when necessary without notice and the town shall not be liable for damages which may arise therefrom. (1991 Code, § 18-113)

18-112. Meter reading and billing. Meters will be read monthly. All bills shall be payable at the water department's office or at places designated by the water department.

Town of Smyrna personnel shall have access at all reasonable hours to premises supplied with water, for the purpose of reading, inspecting, repairing, or removing meters.

If a meter is found inoperable at a meter reading period the bill will be figured by computing the average of the six (6) previous monthly billings, but due consideration shall be given for any excessive use of water during such period.

All rates, fees and charges provided for within this chapter shall be billed and collected monthly by the town. All bills shall be due and payable on or before the due date as specified on the bill and a service charge equivalent to 10% of the bill shall be added and collected if such bill is not paid by the due date specified.

If a bill becomes delinquent as aforesaid and is not paid within ten (10) days after the due date, the town may cause the water to be disconnected from the premises and the same shall not again be connected or used until all the delinquent accounts, rates, bills, charges, and services are paid in full, including a fee as prescribed by the town council, for reconnecting said water service.

The non-receipt of a water bill will be no excuse for failure on the part of the consumer to pay the water bill when the same becomes due.

If the owner of the premises being supplied with water from the water department's main desires to be billed rather than the tenant, or consumer, for metered water used, the owner himself must make the application and make a deposit as set forth above. The owner shall be held responsible for any violation of this chapter. (1991 Code, § 18-114, modified)

18-113. Meter turn-on. Water shall not be turned into any water lines for any purpose by anyone except an authorized employee of the water department.

Whenever water service has been discontinued for nonpayment of any bill rendered, or because of a violation of this chapter, a charge as set forth in § 18-112 shall be made to cover the cost of turning the water on again, and this charge shall be paid in advance.

In event the consumer requests that the water be turned on at any time other than during the scheduled working hours, the consumer shall pay an additional charge, as prescribed by the town council, in excess of the charge as set forth above. (1991 Code, § 18-115, modified)

18-114. Meter shut-off. The consumer or property owner shall notify the water department at the time each property becomes vacant. Otherwise, the consumer or property owner shall be responsible for any damage to the property of the water department, and for all water metered to such property up until receipt of such vacancy notice.

The water department will presume service is being rendered from the time water is turned on at the request of the consumer until the consumer or property owner gives notice to discontinue the service and charges will be made accordingly. (1991 Code, § 18-116, modified)

18-115. Failure of consumer to comply with regulations. The water department may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of this chapter, or it may discontinue water service in the event the consumer violates or fails to comply with any of the provisions of this chapter. (1991 Code, § 18-117)

18-116. Water and sewer rates. All water and sewer service shall be furnished under such rate schedules as the town council may from time to time adopt.

The water and sewer rates in effect at the time of the passage of this code are hereby ratified, but may be changed for future service as the town council may from time to time adopt. (1991 Code, § 18-118, modified)

18-117. Application for sewer service. Persons, firms, or corporations desiring sewer service connections shall make application to the water and sewer department in writing, upon such forms as shall be prescribed and furnished by the department. (1991 Code, § 18-119)

18-118. Extension of sewer mains. All extensions shall be done in accordance with the Town of Smyrna Standard Water and Sewer Specifications. Upon proposal to extend any main, a development agreement shall be executed with the Town of Smyrna. All extensions shall first be approved by the utilities department and the Tennessee Department of Environment and Conservation as to size and location of sewer mains. Extension of sewer mains shall be paid for by the user or promoter of the subdivision or development pursuant to the development agreement. Prior to commencing work on any extension, all permits, bonds, approvals, the required development agreement, and other requirements shall be executed, completed, and all necessary fees paid. (1991 Code, § 18-120, modified)

18-119. Sewer service connections. A capacity charge as prescribed by the town council will be made for sewer taps.

(1) An inspection report must also be obtained from the water and sewer department or its designee before any house sewer line may be connected to the Smyrna Sewer System. An inspection fee as adopted by town council shall be paid at the time of application for service in concurrence with the initial service fee. The applicant or property owner assumes all risk of damage from back-flow or flooding from the sewer, back-flow of gas, and any damage resulting to others from the construction of the connection.

(2) All house sewers shall be laid in accordance with the Town of Smyrna Water and Sewer Specifications and the most recently adopted building code. All costs of running house sewers to the existing public sewers shall be paid for by the property owner.

(3) A separate sewer line and connection shall be installed for each property to be served. Only sanitary plumbing fixtures such as bathtubs, toilets, sinks, kitchen and laundry fixtures are to be connected to the house sewers.

(4) The connection of roof drains, yard drainage, or other sources of rain water to the house connection or to the public sewer system is specifically prohibited and any such connection discovered will result in the owner and/or tenant being subject to the penalties herein provided. Drainage from pits or other facilities used for washing automobiles shall not be permitted to be connected to the public sewer or house sewer.

(5) Inspection by the water and sewer department or its designee shall be made before the trench in which the house sewer line is laid is backfilled and any work not inspected and approved shall subject the owner and/or tenant to the penalties herein provided. A charge, as prescribed by the town council, for each additional inspection trip shall be paid for by the property owner.

(6) The capacity fee shall be due and payable as a condition of the final plat approval or upon request for service of plat approval is not required. Payment of said capacity fee is not subject to refund or reimbursement by the Town of Smyrna.

(7) The owner shall maintain the sewer line to prevent infiltration. Failure to properly maintain the line or make repairs upon notification of the water and sewer department may result in loss of water service to the property. (1991 Code, § 18-121, modified)

18-120. Sewer service line stoppage. The water and sewer department will unstop sewers outside the property line of the premises at the department's expense if an accessible clean out is available.

It will be the responsibility of the sewer customer to unstop blocked service lines within the property line. In event there is doubt as to whether a stoppage is within or without the property line, and there is reason to believe the stoppage could be either within or without the property line of the premises, the sewer department will unstop the sewer if access is available. However, should the blockage be located within the property line, the applicant shall by written agreement agree to pay for the actual cost of unstopping the line. (1991 Code, § 18-122, modified)

18-121. Safety precautions. All excavations in any street or other public thoroughfare incident to installing any sewer connection shall comply with all applicable laws and regulations and be done in a manner to cause as little inconvenience and danger as possible to the traveling public. All trenches, excavations, and piles of materials shall be prominently marked with warning signs and lights at all times while the work is in progress.

No materials that will clog or stop the sewers, explosive or inflammable substances that might be dangerous to the operation of the sewers or treatment plant, or strong acids or alkali that might damage the sewers shall be discharged into the public sewer system or any connection thereto. (1991 Code, § 18-123)

18-122. Penalties. The water and sewer department shall enforce and collect the following penalties from any person or firm failing to comply with this chapter:

(1) For starting work on any connection before an application to make such connection is obtained from the water and sewer department, the

inspection fee shall be increased from twenty-five dollars (\$25.00) to seventy five dollars (\$75.00).

(2) For installing and backfilling any connection before obtaining such application and having said work inspected by the water and sewer department or its designee, the inspection fee shall be increased from twenty-five dollars (\$25.00) to two hundred fifty dollars (\$250.00).

(3) No permit shall be issued to (directly or indirectly) and no work on any connection to the public sewer system or fixtures attached thereto shall be done by any firm or individual who has in the past made such connections or done such work in violation of the regulations in this chapter.

(4) For connecting roof drains, yard, or surface drains, or any other source of rain water, or any automobile washing pit drains to the public sewer system, or to any pipe or sewer that is connected to such sewer system, or for any other willful violation of these regulations, the house sewer and the water connection serving the property on which such violation of these regulations occurs shall be disconnected from the sewer system and the water distribution system and remain disconnected until such unauthorized connection is disconnected and other violations properly corrected and until a reconnection charge of five hundred dollars (\$500.00) is paid to the water and sewer department.

(5) The town attorney is also directed to prosecute for damage to public property any firm or individual that makes any such unauthorized connection to the public sewer system as listed in subsection (4) above or in any other way damages or interferes with the proper operation of the public sewers. (1991 Code, § 18-124, modified)

18-123. Unauthorized connections prohibited. No person shall connect to, or turn on, any water service, cut-in, inter-connect, tap, or make any alterations to any main or distribution pipe of the water system or permit any connection or tapping to be made to said water and sewer system on his premises or on the premises occupied by him or knowingly use the water service from connections in violation of any provisions of this chapter or any rules or regulations adopted by the town with respect thereto or in violation of state law. (1991 Code, § 18-125, modified)

18-124. No free services or preferential rates. The Town of Smyrna will not render or cause to be rendered any free water or sewer services of any nature, nor will any preferential rates be established for users of the same class. (1991 Code, § 18-126, modified)

18-125. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the Town of Smyrna, Tennessee; to submit such plans to the Department of Health and Environment of the State of Tennessee for approval;

and, upon approval, to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1991 Code, § 18-127)

CHAPTER 2**SEWER USE**¹**SECTIONS**

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¹Municipal code reference
Water and sewers: title 18, chapter 1.

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18-201. General provisions. This chapter is adopted for the purposes of regulating and controlling the discharge of wastewaters into the Publicly Owned Treatment Works (POTW) of the Town of Smyrna, Tennessee to set forth uniform requirements for contributors into the POTW of the Town of Smyrna, Tennessee and to enable the Town of Smyrna, Tennessee to comply with all applicable state and federal laws, including, but not limited to, the Clean Water Act of 1977, as amended; the General Pretreatment Regulations (40 CFR Part 403); the Solid Waste Disposal Act, as amended; the Clean Air Act, as amended; the Toxic Substances Control Act, as amended; The Tennessee Water Quality Control Act of 1977 as amended (Tennessee Code Title 70, §§ 70-324--70-342, as amended) and rules and regulations of the United States Environmental Protection Agency and the Tennessee Department of Environment and Conservation, Division of Water Quality Control as amended from time to time. This chapter provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain non-domestic users and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting, assures that existing customers' capacities will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter shall apply to all persons who are users of the POTW of the Town of Smyrna, Tennessee. The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge.
- (2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the operation of the POTW.
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment plant.
- (4) To provide for equitable distribution of the costs attributable to the construction, operation and maintenance of the sewerage system. (1991 Code, § 18-201, modified)

18-202. Abbreviations. The following abbreviations shall have the designated meanings:

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| (1) | BOD | - Biochemical Oxygen Demand. |
| (2) | CFR | - Code of Federal Regulations. |
| (3) | COD | - Chemical Oxygen Demand. |
| (4) | EPA | - (The) U. S. Environmental Protection Agency. |
| (5) | l | - Liter. |
| (6) | mg | - Milligrams. |
| (7) | mg/l | - Milligrams per Liter. |
| (8) | NPDES | - National Pollutant Discharge Elimination System. |
| (9) | O & M | - Operation and Maintenance. |
| (10) | OSHA | - Occupational Safety and Health Administration. |
| (11) | P.L. | - Public Law. |
| (12) | POTW | - Publicly Owned Treatment Works. |
| (13) | SWDA | - (The) Solid Waste Disposal Act. |
| (14) | SS | - Suspended Solids. |
| (15) | TDWQC | - (The) Tennessee Department of Environment and Conservation, Division of Water Quality Control. (1991 Code, § 18-202) |

18-203. Definitions. The following words, terms, and phrases, wherever used in this chapter, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended.

(1) "Accidental discharge." Any release of wastewater which, for any unforeseen reason, fails to comply with any prohibition or limitation in this chapter.

(2) "Act" or "the Act." The Federal Water Pollution Control Act, (P. L. 92-500) as amended by the Clean Water Act of 1977 (P. L. 95-217), and as further amended.

(3) "Approval authority." The Director of the Tennessee Department of Public Environment and Conservation, Division of Water Quality Control (TDWQC).

(4) "Authorized representative of industrial user." An authorized representative of an industrial user shall 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) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "Biochemical oxygen demand or BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C (68°F) expressed in terms of weight and volume (milligrams per liter).

- (6) "Building sewer or house connection." The connecting pipe from a building to the sanitary sewer.
- (7) "Categorical standard." National Categorical Pretreatment Standard or Pretreatment Standard.
- (8) "Color." Considered to be the true color of the light transmitted by a waste solution after removing suspended material including pseudocolloidal particles.
- (9) "Combined sewer." A sewer receiving both surface runoff and wastewater.
- (10) "Constituents." The specific compounds and components which comprise the wastewater.
- (11) "Control authority." The Town Council of the Town of Smyrna, Tennessee.
- (12) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (13) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (14) "Domestic wastewater." All liquid and waterborne pollutants, exclusive of unpolluted wastewater as defined in § 18-203(60) or wastewater or wastes from processes or operations of industrial users as defined in § 18-203(23).
- (15) "Environmental protection agency or EPA." The U. S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- (16) "Flammable." Shall be as defined in § 18-219(3).
- (17) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (18) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, vacuum-pump tank trucks, and septic tank haulers.
- (19) "Indirect discharge." The discharge or introduction of non-domestic pollutants from any source regulated under § 307(b) or (c) of the Act into the POTW (including holding tank waste discharged into the POTW).
- (20) "Industrial user." Any user of the POTW who is a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to § 402 of the Act. (A user who discharges industrial waste into the POTW.)
- (21) "Industrial waste." The liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

(22) "Infiltration." The water entering sewers and building sewer connections from the soil through defective joints, broken or cracked pipe, improper connections, manhole walls, etc. Infiltration does not include, and is distinguished from, inflow.

(23) "Inflow." The water discharged into sewers from such sources as roof leaders, cellar and yard area drains, foundation drains, commercial and industrial discharges of unpolluted wastewater as defined in § 18-203(60), drains from springs and swampy areas, etc. It does not include and is distinguished from infiltration.

(24) "Interference." The inhibition or disruption of the wastewater treatment processes or operations, or acts or discharges which may cause damage to any portion of the POTW and/or which contribute to a violation of any requirement of the Smyrna, Tennessee NPDES Permit. The term includes interference with sewage sludge use or disposal in accordance with § 405 of the act or any criteria, guidelines, or regulations developed pursuant to SWDA (P.L. 89-272 as amended), the Clean Air Act, (P.L. 91-604 as amended), 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 POTW.

(25) "National Categorical Pretreatment Standard, Categorical Pretreatment Standard or Pretreatment Standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§ 307(b) and (c) of the act which apply to a specific category of industrial users.

(26) "National Pollutant Discharge Elimination System or NPDES Permit." A permit to discharge wastewater issued pursuant to § 402 of the act.

(27) "New source." Any source, the construction of which is commenced after the adoption of this chapter or the publication of proposed regulations prescribing a § 307(c) Categorical Pretreatment Standard 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 proposal, a new source means any source, the construction of which in commenced after the date of promulgation of the standard.

(28) "Normal waste." A waste having average concentrations of three hundred (300) mg/l of suspended solids, or less, as determined by samples taken before entering the POTW.

(29) "Person." Any individual, firm company, association, corporation, governmental agency, board, commission, or municipal corporation other than the Town of Smyrna, Tennessee.

(30) "pH." The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Stabilized pH is that determined after a sample of waste has been subjected to natural aeration.

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

(32) "Pollutant." Any solid waste, chemical waste, biological material, radioactive material, thermal waste, or industrial, municipal, or agricultural waste discharged into water.

(33) "Pretreatment." The reduction of the amounts of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR§ 403.6(d).

(34) "Pretreatment requirement." Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an industrial user.

(35) "Private wastewater disposal system." Any facilities for wastewater treatment and disposal not maintained and operated by the Town of Smyrna, Tennessee.

(36) "Properly shredded garbage." The organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under flow conditions nominally prevailing in public sewers, with no particle being greater than one half (1/2) inch in any dimension.

(37) "Public sewer." A sewer in which all owners of abutting properties shall have equal rights, and which is controlled by a governmental agency or public utility.

(38) "Publicly owned treatment works or POTW." Treatment works as defined by § 212 of the act which are owned in this instance by the Town of Smyrna, Tennessee. This definition includes the wastewater treatment plant and any sewers that convey wastewater to the wastewater treatment plant (sewerage system).

(39) "Receiving stream." That body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant or that body of water, stream, or watercourse formed by the effluent from a wastewater treatment plant.

(40) "Sanitary sewage." Sewage excluding process wastes from industrial users.

(41) "Sanitary sewer." A public sewer controlled by a governmental agency or public utility that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

(42) "Sewage." A combination of water-carried wastes from residences and industrial users (wastewater).

(43) "Sewer." A pipe or conduit for carrying wastewater.

(44) "Sewerage system." All facilities for collecting, pumping, treating and disposing of wastewater (POTW).

(45) "Shall" is mandatory; "May" is permissible.

(46) "Significant Industrial User." Any industrial user of the Smyrna, Tennessee POTW who:

(a) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day.

(b) Has a discharge which is greater than five percent (5%) of the hydraulic flow or organic design capacity of the Smyrna, Tennessee POTW.

(c) Has a discharge which contains toxic pollutants or priority pollutants as defined pursuant to § 307 of the act or Tennessee Statutes and Rules and Regulations.

(d) Is found by the Town of Smyrna, Tennessee, the approval authority or EPA to have significant impact, either singly or in combination with other contributing industries, on the POTW, the quality of sludge, the system's effluent quality, or air emissions generated by the POTW.

(47) "Slug." Any discharge of water or wastewater for any duration during which the rate of flow or concentration of any constituent increases to such magnitude so as to adversely affect the operation of the POTW or the ability of the town's wastewater treatment plant to meet applicable water quality objectives.

(48) "Standard Industrial Classification or SIC." A classification of an industry based on its product or service pursuant to the Standard Industrial Classification Manual, 1972, Office of Management and Budget of the Federal Government, as amended.

(49) "Standard methods." The analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or "EPA Methods for Chemical Analysis of Water and Wastes," as per 40 CFR Part 136 and amendments thereto.

(50) "State." State of Tennessee.

(51) "Storm sewer or storm drain." A sewer which carries storm and surface waters and drainage, but which excludes sanitary sewage and polluted industrial wastes.

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

(53) "Strength of waste." The concentration of pollutants or substances contained in a liquid waste.

(54) "Suspended solids." The total solid matter that either floats on the surface of or is suspended in water or liquid waste and which is removable by laboratory filtration.

(55) "Town." The Town of Smyrna, Tennessee. Activities attributable to the town shall be the responsibility of the town council or any town employee or contractor delegated to act for the town by the town council.

(56) "Town manager." The administrative officer of the Town of Smyrna, Tennessee who is charged with administrative control of all operations of the POTW as designated by the town council and is responsible directly to the town council. As used herein, it may also include any town employee delegated to act for the town by the town manager or the town council.

(57) "Town council." The Town Council of the Town of Smyrna, Tennessee is responsible for establishment of policy control of all operations of the POTW. As used herein, it may also include any town employee or contractor delegated to act on specific policy matters for the town by the town council.

(58) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under provisions of § 307(a) of the Act or by the State of Tennessee.

(59) "Twenty-four hour, flow proportional composite sample or composite sample." A sample consisting of at least eight (8) portions collected during a twenty-four hour period or the total period of waste flow if less than twenty-four hours and in which the sample portions are collected proportionate to the flow and then proportionately combined into a single sample.

(60) "Unpolluted wastewater." Any wastewater which is substantially free of pollutants and is discharged from the following:

- (a) Rain downspouts and drains.
- (b) Footing drains.
- (c) Storm and surface water drains.
- (d) Cooling water systems.

Unpolluted wastewater shall contain, by definition, none of the following:

- (a) BOD in excess of 10 mg/l.
- (b) Suspended solids in excess of 10 mg/l.
- (c) Free or emulsified greases or oils.
- (d) Acids or alkalies.
- (e) Phenols or other substances imparting taste or odor to receiving waters.
- (f) Toxic or poisonous substances.
- (g) Noxious or odorous gases.
- (h) Any wastewater with a temperature which exceeds 60°C (140°F) at its introduction into a storm sewer or which exceeds 40°C (104°F) at its introduction into a receiving stream.

(61) "User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

(62) "Wastewater." Sewage.

(63) "Wastewater treatment plant." The facilities of the Town of Smyrna, Tennessee, for treating and disposing of wastewater (abbreviated as Smyrna WWTP).

(64) "Watercourse." A channel in which a flow of water occurs, either continuously or intermittently.

(65) "Waters of the state." All bodies or accumulations of water, surface or underground, within the boundaries of the State of Tennessee. (1991 Code, § 18-203, modified)

18-204. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town, any human excrement, garbage, or objectionable waste.

(2) It shall be unlawful for any person to discharge to any outlet other than a sanitary sewer, within the corporate limits of the town, any domestic or industrial wastes except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and where an appropriate National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from TDWQC pursuant to section 402 of the Act.

(3) Where a storm sewer, as defined by § 18-203(53), is adjacent to a property, it shall be legal to discharge cooling water, as defined by §18-203(14) and which meets the requirements of § 18-203(60), into said storm sewer in accordance with subsequent provisions of this chapter and where the town determines that sufficient capacity exists in said storm sewer to carry the cooling water without exceeding the design storm drainage capacity of said storm sewer and where an appropriate NPDES Permit has been obtained from TDWQC pursuant to section 402 of the Act.

(4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town that discharges to the Smyrna Wastewater Treatment Plant, who has installed suitable toilet and other facilities therein necessary for the discharge of domestic and industrial wastes, is hereby required at the owner(s) expense to connect such facilities directly with the proper public sanitary sewer in accordance with the requirements of the Town of Smyrna, Tennessee, within ninety (90) days after date of official notice to do so, provided that such public sanitary sewer abuts the property.

(5) All new connections to the Smyrna, Tennessee POTW shall be made in accordance with provisions of § 18-207 of this chapter. (1991 Code, § 18-204)

18-205. Private wastewater disposal. (1) Where a public sanitary sewer is not available under the provisions of § 18-204(4), such toilet and other facilities necessary for the discharge of domestic and industrial wastes shall be connected to a private wastewater disposal system complying with the

requirements of the state, Rutherford County, and/or the town, and provisions of the most recently adopted building code of the Town of Smyrna.

(2) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the director of public utilities. The copy of the permit shall be accompanied by such supplemental data as deemed necessary by the building official to maintain an accurate file of such private wastewater disposal systems to facilitate the planning of future public sewer service.

(3) The type, capacity, location, and layout of a private wastewater disposal system, including methods of sludge disposal, shall comply with all requirements of the state and/or the town or other governmental body having jurisdiction.

(4) At such time as a public sewer is constructed which abuts a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this chapter; and septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material at the owners expense.

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

(6) Holding tank wastes and septic tank wastes from private systems shall be discharged into the POTW only under the following conditions:

(a) No person owning vacuum-pump or septic tank trucks or other liquid waste transport trucks shall discharge directly or indirectly such wastewater into the POTW unless such person shall first have applied for and received a wastewater haulers discharge permit from the Town of Smyrna. All applicants for wastewater haulers discharge permits shall complete such forms as required by the town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the town. The owners of such vehicles shall affix and display their permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a maximum period of one (1) year from date of issuance, provided that such permit shall be subject to revocation by the town for violation of any provision of this section or reasonable regulation established by the town. Such permits shall be limited to the discharge of sanitary sewage containing no industrial waste. Pumpage from commercial grease traps is specifically prohibited from discharge into the POTW. The manager of the Smyrna WWTP shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the POTW.

(b) No person shall discharge any other holding tank waste including industrial process wastes into the POTW unless he shall have applied for and have been issued a permit by the town. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the town.

(c) No person shall operate a dumping station for the discharge of sanitary sewage from recreation vehicles into the POTW unless the user of the dumping station has first applied for and received a recreational vehicle dumping station permit from the town. All applicants for recreational vehicle dumping station permits shall complete such form as required by the town, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the town. These permits shall be issued only for approved facilities designed to receive sanitary sewage. (1991 Code, § 18-205, modified)

18-206. Additional requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by federal or state agencies.

No waste as regulated under § 18-205(6) originating from outside the town limits of the Town of Smyrna shall be accepted by the Smyrna WWTP. (1991 Code, § 18-206)

18-207. Building sewers, connections and permits. (1) Written permit required. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit in the form of a development agreement or application for service from the town.

(2) Classes of permits. There shall be two classes of sewer permits:

(a) Building sewer permits for residential, commercial, industrial, or public facilities.

(b) Industrial discharge permits for significant industrial users as defined in § 18-203(46).

(3) Building permits specifically. Building sewer permits for all connections shall be obtained under this chapter and in accordance with the requirements promulgated by the town.

(4) Permit prior to connecting required. In addition to the requirements of § 18-207(3), any person who, after the effective date of this chapter, proposes to originate the discharge of any industrial waste for the first

time into the POTW or who proposes to make a significant change in the character or volume of any industrial waste theretofore discharged into the POTW, shall make application to the town for an industrial discharge permit and obtain a permit prior to connecting to the POTW or making a significant change in his contribution thereto. The applications shall be supplemented by any information which may have been furnished by the applicant to any other governmental agency and by such other plans or other data as the town may reasonably require for purposes of determining whether the qualifications are met as specified in § 18-207(9).

(5) Significant change defined. A significant change in the character or volume of an industrial waste, for purposes of § 18-207(4), shall be deemed to be proposed if substances, compounds, and elements not previously constituting any part of a user's industrial waste are to be introduced into such waste or if the average concentration of any substance, compound, or element in the waste, or average volume proposed to be discharged will cause a violation of any permit limitation. In case of doubt as to whether an intended change constitutes a significant change, it shall be the responsibility of the user intending to make such a change to make the necessary application or obtain a written ruling from the town that an application for an industrial discharge permit is not required.

(6) Existing significant industrial user. Any user who, on the effective date of this chapter, is operating within the town and is a significant industrial user within the meaning of § 18-203(48) from which industrial waste is discharged into the POTW (hereinafter called "an existing significant industrial user") may continue such discharge until notified by the town in writing that an industrial discharge permit will be required and until an application has been submitted to and denied by the town in accordance with the following provisions:

(a) The town shall issue written notices to existing significant industrial users specifying in each such notice the time within which an existing significant industrial user shall file application for an industrial discharge permit.

(b) Within the specified time limit, the existing significant industrial user shall file the required application together with any other information, as described in § 18-207(4).

(c) An existing significant industrial user may continue to discharge, after complying with the requirement to file an application for an industrial discharge permit, unless and until receipt by the applicant of a written notice specifying the reasons for denial of an industrial discharge permit and specifying what remedial action, if any, must be taken to qualify the applicant for a permit.

(7) User subject to a new national or state categorical pretreatment standard. Any user subject to a new national or state categorical pretreatment standard shall apply for a new industrial discharge permit within one hundred eighty (180) days after the promulgation of the applicable national or state

categorical pretreatment standard. Industrial discharge permits of users subject to such standards shall be issued or reissued in compliance with such standards within the time frames prescribed by such standards.

(8) Denial of industrial discharge permit. In any case, where a final determination has been made denying an industrial discharge permit, it shall be unlawful for any person so denied an industrial discharge permit to discharge industrial waste into the POTW.

(9) Removal of industrial discharge permit. An industrial discharge permit will be issued or renewed by the town only when satisfactory information has been submitted to indicate that:

(a) POTW capacity is available for receiving the discharge of industrial waste at the proposed point of discharge.

(b) The waste being discharged or proposed to be discharged is amenable to treatment by the processes employed in the wastewater treatment plant and will not impair the ability of the town to comply with water quality standards or effluent standards established by the state or by federal regulatory agencies.

(c) The waste being discharged or proposed to be discharged will not cause damage to the POTW including the wastewater treatment facilities, will not constitute a hazard to humans or animals, and will not be capable of creating a public nuisance.

(d) The concentrations of substances, compounds, and elements in the waste being discharged or proposed to be discharged do not exceed limits established by the town, state or federal authorities.

(e) Where the wastewater contains or may contain any substances, compounds, or elements controlled or limited by this chapter, an adequate program of self-monitoring of flow and wastewater characteristics will be established and maintained by the industry affected by this chapter to assure that the discharge meets the requirements of this chapter and any industrial discharge permit conditions. (1991 Code, § 18-207, modified)

18-208. Contents of industrial discharge permit. An industrial discharge permit shall include all appropriate requirements of this chapter and all other applicable regulations, user charges and fees established by the town. Industrial discharge permit may contain the following:

(1) Limits on the average and maximum wastewater constituents, volume, and characteristics. The town may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate.

(2) Limits on average and maximum rates and time of discharge or requirements for flow regulations and equalization.

- (3) Requirements for installation and maintenance of inspection and/or sampling facilities.
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (5) Compliance schedules.
- (6) Requirements for submission of technical reports or discharge reports as per § 18-227.
- (7) Requirements for maintaining and retaining plant records relating to wastewater discharges as specified by the town and affording the town access thereto.
- (8) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial changes in the volume or character of the wastewater constituents being introduced into the sewerage system.
- (9) Requirements for notification of slug discharges as per the requirement of §§ 18-221 and 18-222.
- (10) Other conditions as deemed appropriate by the town to insure compliance with the requirements and purposes of this chapter. (1991 Code, § 18-208)

18-209. Expiration of industrial discharge permits. An industrial discharge permit shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for industrial discharge permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing industrial discharge permit. The terms and conditions of the industrial discharge permit may be subject to modification by the town during the term of the industrial discharge permit as limitations or requirements as identified in § 18-219 are modified or other just cause exists. The user shall be informed of any proposed changes in his industrial discharge permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the industrial discharge permit shall include a reasonable time schedule for compliance. (1991 Code, § 18-209)

18-210. Industrial discharge permits not transferable. An industrial discharge permit is issued to a specified user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior submission of applicable revisions to the application for the existing industrial discharge permit and without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing industrial discharge permit. (1991 Code, § 18-210)

18-211. Costs and expenses of installation. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer. (1991 Code, § 18-211)

18-212. Separate building sewer. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer for the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (1991 Code, § 18-212)

18-213. Existing building sewers. Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the town to meet all the requirements of this chapter. (1991 Code, § 18-213)

18-214. Building code regulations to be followed. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall all conform to the requirements of the most recently adopted building code of the Town of Smyrna or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. (1991 Code, § 18-214, modified)

18-215. Other requirements. (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(2) The connection of the building sewer into the public sewer shall conform to the requirements of the most recently adopted building code of the Town of Smyrna or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed

procedures and materials must be approved by the town before installation. (1991 Code, § 18-215, modified)

18-216. Applicant shall notify town. The applicant for the building sewer permit shall notify the town when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the town. (1991 Code, § 18-216)

18-217. Excavations to be guarded, etc. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1991 Code, § 18-217)

18-218. Activities must conform to OSHA. All construction activities shall conform to all applicable OSHA regulations. (1991 Code, § 18-218)

18-219. Excluded wastes. (1) General prohibition. No user shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or 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.

(2) Exception: residential discharges. No user shall discharge or deposit any of the following materials, waste materials, wastes, gases, or liquids into any sewer forming part of the POTW except where these may constitute occasional, intermittent inclusions in the wastewaters discharged from residential premises:

(a) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant or resulting in other interference with the treatment processes but, in no case, wastewater with a temperature which exceeds 60°C (140°F) at its introduction into the POTW or which exceeds 40°C (104°F) at its introduction into a wastewater treatment plant.

(b) Any water or waste containing more than 50 mg/l of fat, oil, or grease or other substances that will solidify or become viscous at temperatures between 0°C (32°F) and 60°C (140°F).

(c) Wastewater from industrial users containing floatable oils, fat or grease.

(d) Any garbage that has not been properly shredded so that no particles are any greater than one-half inch (1/2") in any dimension.

(e) Any waste capable of causing abnormal corrosion, abnormal deterioration, damage to or creating a hazard to structures, equipment, or personnel of the sewerage system or interfering with proper operation

of the town's wastewater treatment plant. All wastes discharged to the POTW must have a pH value in the range of 6 to 10 standard units. Prohibited materials include but are not limited to concentrated acids or alkalies and high concentrations of compounds of sulfur, chlorine, and fluorine, and substances which may react with water to form strongly acidic or basic products.

(f) Any waters or wastes having a color which is not removable by existing wastewater treatment processes and which causes plant effluent to exceed color requirements for discharge to the receiving waters.

(3) Discharges absolutely prohibited. No user shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any sewer forming a part of the POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings (15 to 30 minutes between readings) on an explosion hazard meter¹ at the point of discharge into the POTW be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials covered single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials covered by this section include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, motor oil, mineral spirits, commercial solvents, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, and hydrides.

(b) Any other solid or viscous substance in quantity or character capable of causing obstruction to flow in sewers or interference with proper operation of wastewater treatment facilities such as, but not limited to, eggshells from egg processors, ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, or lime or similar sludges.

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

¹Model GX-3 Meter as manufactured by Gas Tech, Inc., Mountain View, California, referenced to establish a standard of quality for a measuring device.

(d) Any substance which may cause wastewater treatment plant effluent or any other product of the POTW such as residue, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed by town, state or federal authorities.

(e) Any substance which will cause the POTW to violate its NPDES Permit and/or the quality standards of the receiving stream.

(f) Any water or wastes which, by interaction with other waters or wastes in the POTW, release obnoxious gases, form suspended solids which interfere with the POTW or create a condition deleterious to structures and treatment processes.

(g) Any form of inflow as defined by § 18-203(23) including storm drainage and uncontaminated thermal process water.

(h) Infiltration as defined by § 18-203(22) in excess of two hundred (200) gallons per inch of pipe diameter per mile of pipe per day.

(i) Any unpolluted wastewater, as defined in § 18-203(60). (1991 Code, § 18-219)

18-220. Limited discharges. No user shall discharge into any sewer forming part of the POTW any of the following materials in concentrations exceeding the stated limits:

(1) Any water or wastes that contain more than ten (10) mg/l of hydrogen sulphide, sulphur dioxide or nitrous oxide.

(2) Any toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with the wastewater treatment processes, or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the stream or watercourse receiving the effluent from the wastewater treatment plant or to exceed limitations set forth in categorical pretreatment standards.

(3) Any waters containing suspended solids of such character and quality that unusual provisions, attention or expense is required to handle such materials at the wastewater treatment plant.

(4) Any waters containing quantities of radium or naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by current drinking water regulations promulgated by EPA.

(5) No person shall discharge wastewater which causes the following limits to be exceeded: The following tables C-1 and C-2, were established to comply with Pass-through Protection Criteria established by the Tennessee Division of Water Quality Control for the Town of Smyrna.

TABLE C-1

Allowable Daily Max influent plant, meet pass-thru limits, and protect from sludge contamination

Element	mg/l Influent	<u>1.5 mgd</u>	<u>2.6 mgd</u>	<u>5.2 mgd</u>
		lbs	lbs	lbs
Arsenic	.01*	1.251	2.168	4.337
Cadmium	0.040**	0.500	0.87	1.73
Chromium, Trivalent	--	--	--	--
Chromium, Hexavalent	0.4375**	5.47	9.49	18.97
Chromium, Total	10.0***	125.1	216.84	433.68
Copper	0.3938**	4.92	8.54	17.08
Cyanide	0.1368**	1.71	2.97	5.93
Lead	.10*	1.251	2.168	4.337
Manganese	10.00*	125.1	216.84	433.68
Mercury	0.0038**	0.05	0.08	0.16
Nickel	0.25*	3.128	5.421	10.842
Silver	0.0722**	0.90	1.57	3.13
Zinc	0.40*	5.004	8.673	17.247

* inhibitory limits

** pass-thru limits

*** sludge contamination

TABLE C-2

Allowable monthly average influent plant loadings to protect plant, meet pass-thru limits and protection-from sludge contamination

Element	mg/l	at 1.5 mgd at 2.6 mgd at 5.2 mgd		
		lbs	lbs	lbs
Arsenic*	0.1	1.25	2.17	4.33
Cadmium**	0.006	0.08	0.13	0.26
Chromium, Trivalent	--	--	--	--
Chromium, Hexavalent**	0.0063	0.08	0.14	0.27
Chromium, Total***	10.000	125.1	216.84	433.68
Copper**	0.1875	3.35	4.07	8.13
Cyanide**	0.0092	0.12	0.20	0.40
Lead*	0.1000	1.25	2.17	4.33
Manganese*	10.00	125.1	216.84	433.68
Mercury**	0.001	0.01	0.022	0.043
Nickel*	0.2424	3.03	5.26	10.51
Selenium*	0.1	1.25	2.17	4.33
Silver**	0.04	0.5	0.87	1.73
Zinc**	0.2632	3.29	5.71	11.41

- * inhibitory limits
 ** pass-thru limits
 *** sludge contamination

(6) The admission into the POTW of any waters or wastes having a suspended solids content in excess of five hundred (500) mg/l on a twenty-four (24) hour composite basis, or for any single sample having a suspended solids content greater than fifteen hundred (1500) mg/l will be subject to review by the town. Where necessary in the opinion of the town, the user shall provide and operate, at his own expense, such pretreatment as may be required to reduce the suspended solids content to meet the above requirements.

(7) The admission into the POTW of any waters or wastes in volumes, or with constituents such that existing dilution conditions in the sewers or at the wastewater treatment plant would be affected to the detriment of the POTW, shall be subject to review and approval of the town. Where necessary in the opinion of the town, pretreatment or equalizing units may be required to bring constituents or volumes of flow within the limits previously prescribed or to an otherwise acceptable level, and to hold or equalize flows such that no peak flow conditions may hamper the operation of any unit of the POTW. Said equalization or holding unit shall have a capacity suitable to serve its intended

purpose and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow.

(8) Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the categorical standards, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. All affected users shall notify the town of the applicable reporting requirements under 40 CFR, § 403.12.

(9) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those of this chapter.

(10) The town council reserves the right to establish additional regulations containing more stringent limitations or requirements on discharges to the POTW if deemed necessary. (1991 Code, § 18-220)

18-221. Pretreatment and accidental discharge. (1) Any person, who is denied a permit to discharge industrial waste, or who is prohibited from discharging any substance as specified in this chapter, or who is required to provide pretreatment or flow, equalization as a significant industrial user under the federal effluent limitation guidelines for the appropriate industrial category, shall have the sole responsibility to devise at his own expense the methods for eliminating the problem so as to make any waste discharge eligible for a permit or for compliance with this chapter or the federal guidelines. Such sole responsibility shall not be affected nor shall any responsibility be assumed by the town, notwithstanding that the town may render any assistance to any person in overcoming such a problem by offering advice or suggestions. Additionally:

(2) Where pretreatment or equalization of industrial wastewater flows prior to discharge into any part of the POTW are required plans, specifications, and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the town for review and approval in accordance with this chapter. Satisfactory evidence must be included that the method of disposal of pretreatment sludges has the approval of the appropriate state and/or local solid waste program agency. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alteration or addition to such pretreatment or flow control facilities shall not be made without due notice to and prior approval by the town.

(3) If pretreatment or control of flows is required, such facilities shall be constructed, maintained in good working order, and properly operated as efficiently as possible by the user at his own cost and expense, subject to the requirements of this chapter and all other applicable codes, ordinances, and laws. (1991 Code, § 18-221)

18-222. Accidental discharge. In the event of an accidental discharge as defined in § 18-203:

(1) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town upon request for review and approval. Review and approval of such plans and operating procedures do not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(2) If, after taking action as provided in § 18-222(1), an industrial facility - for any unforeseen reason - fails to comply with any prohibition or limitation in this chapter, the user responsible for such noncomplying discharge shall immediately notify the pretreatment coordinator or WWTP operator on duty so that any feasible corrective action may be taken to protect the treatment system or to minimize adverse effects thereon. In addition, a written report addressed to the director of utilities detailing the date, time, and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees, who observe or who may cause or suffer such an accidental discharge to occur, are advised of the emergency notification procedure. (1991 Code, § 18-222)

18-223. Flow and concentration control. (1) No person shall discharge any wastes or wastewaters in "slugs," as defined in § 18-203(47).

(2) Any person now discharging or proposing to discharge wastes which may include "slugs," as defined, in § 18-203(47), may be required to provide facilities or adopt procedures for regulating, controlling, or equalizing the concentration of any constituent and/or the rate of waste discharge. (1991 Code, § 18-223)

18-224. Measurement of flow. The volume or quantity of industrial waste discharged by a user into the POTW shall be measured by one or more of the following methods:

(1) If the volume of water used by any user is substantially the same as the volume secured from the municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(2) If a substantial portion of the water secured by a user from the municipal waterworks system is not returned to the POTW, the quantity of wastewater shall be determined as follows:

(a) By a meter (or meters) on the water supply line (or lines) to his industrial and/or process operations not discharging to the POTW, or

(b) By a meter (or meters) on his waste line (or waste lines) which discharges into the POTW.

(c) If meters as required under subsections (a) or (b) above shall not have been installed, an estimate shall be made by the town for that proportion of water purchased which is used for industrial purposes and not returned to the POTW.

(3) If any user now discharging or proposing to discharge industrial waste into the POTW does not secure his entire water supply requirements from the municipal waterworks system, such user shall install and maintain a meter (or meters) on his waste line (or waste lines) which discharge into the POTW or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the POTW from both sources under procedures comparable to §§ 18-224(1) or 18-224(2) above. (1991 Code, § 18-224)

18-225. All sources of water discharge and supply must be identified. All sources of water supply and all discharges of wastewater into the POTW must be identified in accordance with the provisions of § 18-224. Any omission shall be considered as an unauthorized use of the POTW. (1991 Code, § 18-225)

18-226. Monitoring facilities. (1) Any user, who is discharging or proposes to discharge industrial waste into the POTW, shall provide, operate and maintain at the user's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. These monitoring facilities shall be as specified in the user's industrial discharge permit. The monitoring facilities should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facilities to be constructed in the public street or sidewalk area and located so that they will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such monitoring facilities to allow accurate sampling and preparation of samples for analysis. The facilities shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) When deemed necessary by the town, continuous recording and/or sampling equipment shall be installed and maintained at user expense.

(4) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with requirements of

the town and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town. Additional construction time may be granted where so dictated by equipment availability.

(5) The town shall review monitoring facilities of present users and may require additional monitoring facilities as required for compliance with §§ 18-226(1), (2) and (3) above.

(6) New users shall provide monitoring facilities as specified in their industrial discharge permits prior to plant start up. (1991 Code, § 18-226)

18-227. Inspections, monitoring, reporting. (1) Significant industrial users shall submit self-monitoring data at monthly intervals to the town. These monthly reports will be submitted using copies of monitoring forms available from the town and will be due by the 15th of the month following the reporting period.

(2) Facilities generating industrial wastes and/or other pollutants which are discharged into the POTW shall be subject to periodic inspection. A determination of character and strength of said wastes may be made annually or more often as may be deemed necessary by the town and as indicated in the industrial discharge permit to ascertain whether the purposes of this chapter are being met, all requirements are being complied with and to determine strengths of wastes for user charge computations.

(3) Within ninety (90) days following the date for final compliance with applicable pretreatment standards as defined in § 18-203(27) or, in the case of a new source, following commencement of the introduction of wastewater into the POTW; any user, subject to pretreatment standards or who is so required by the town, shall submit to the town a report indicating the nature and concentrations of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and/or limitations established by §§ 18-219 and 18-220 and the average and maximum daily flows for these process units in the user's facility. The report shall state whether the applicable pretreatment standards and/or limitations of this chapter are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and/or the limitations of the chapter. This statement shall be signed by an authorized representative of the industrial user.

(4) Samples shall be collected manually or mechanically over such periods of time and composited in such a manner as to be representative of the wastes being discharged. The laboratory methods followed in the examination of said wastes shall be those as set forth in the latest edition of "standard methods," as defined in § 18-203(51).

(5) When so requested by the industrial user, samples collected by the town will be split with the industrial user for verification of analytical results. However, final determination of the character, strength, or quantity of the

wastes as made by the town shall be binding as a basis for computation of charges or for actions by the town. (1991 Code, § 18-227)

18-228. Authority for inspection. (1) The director of utilities and other duly authorized employees and contractors of the town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial wastes and other pollutants, in accordance with this chapter.

(2) The director of utilities and other duly authorized employees and contractors of the town are authorized to obtain information concerning industrial processes which have a direct bearing on the kinds and sources of discharges to the POTW. As required by federal regulations, industrial users must disclose information on processes; however, the town agrees that trade secret information will not be disclosed and will be held confidential subject however to Tennessee Code Annotated, 10-7-101 et. seq. open Records Act.

(3) Persons or occupants of premises where wastewater is created or discharged shall allow the director of utilities and other duly authorized employees and contractors of the town ready access at all reasonable times to all points on the premises where wastes are discharged into sewers for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

(4) The director of utilities and other duly authorized employees and contractors of the town 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.

(5) 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 guards so that, upon presentation of suitable identification, the director of utilities and other duly authorized employees and contractors of the town will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(6) While performing the necessary work on private properties referred to in subsection (1) above, the director of utilities and other duly authorized employees and contractors of the town shall observe all safety rules applicable to the premises established by the user; and the user shall be held harmless for injury or death to town employees or contractors; and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required by § 18-226(2). (1991 Code, § 18-228)

18-229. Protection of equipment. No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove

any equipment or materials which are a part of the POTW or any equipment or materials used by the town for the purpose of making waste examinations and waste flow measurements and left upon the premises of a user discharging wastes into the POTW. Only persons authorized by the town will be allowed to uncover, adjust, maintain, and remove such equipment and materials. (1991 Code, § 18-229)

18-230. Reviewing authority and amendment. (1) The director of utilities of the Town of Smyrna, Tennessee, shall be the reviewing authority for all appeals of actions or administrative determinations made by the town pursuant to the provisions of this chapter. Notice of an intent to appeal and request for a hearing shall be addressed to the director of utilities, Town of Smyrna, Tennessee, in writing and shall detail the nature of the appeal. An early date for such hearing shall be set by the director of utilities and the appellant promptly notified in writing. The decision of the director of utilities after such hearing shall be final and conclusive and shall be conveyed to the persons involved in writing.

(a) The decisions and determinations of the director of utilities may be appealed to the town council whose decision shall be final and conclusive. Written request for such appeals shall be made to the town clerk, Town of Smyrna, Tennessee.

(2) The town council expressly reserves the absolute right to amend, modify, rescind, or supplement this chapter.

(3) The town council will adopt and modify from time to time separate rate schedules to supplement this chapter.

(4) Nothing contained in this chapter shall be construed as preventing the execution of a contract, special agreement, or arrangement between the town and any person whereby water or wastewaters of unusual strength, character, or quantity may be admitted into the POTW upon such terms and conditions as the town deems appropriate so long as the objectives of this chapter, limitations established by 40 CFR Part 403 and NPDES Permit requirements of the town and other state laws, regulations and permits are not adversely affected. (1991 Code, § 18-230)

18-231. Enforcement, penalties, and costs. If wastewaters containing any substance described in §§ 18-219 and 18-220 are discharged, proposed to be discharged, or accidentally discharged into the POTW, the town will issue orders of enforcement relative to and take any action necessary to effectuate such of the following courses as may be appropriate:

(1) Prohibit the discharge of such wastewater.

(2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(3) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this chapter.

(4) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purposes of this chapter.

(5) In addition to taking the above remedial action, the town may:

(a) Require the person making, causing, or allowing the discharge to pay any cost or expense incurred by the town to include but not be limited to damage to the POTW, damage to the town's wastewater treatment processes, extraordinary monitoring of the wastes, and extraordinary treatment measures or processing imposed on the POTW by said discharge.

(b) Require the person making, causing, or allowing the discharge to pay any cost or expense incurred by the town for any fine or penalty imposed on the town by the state or federal government because of a violation of one of the town's national pollutant discharge elimination system permit or damage to the environment that is attributed to the discharge.

(c) Require the person making, causing, or allowing the discharge to furnish a bond or other security, with terms specified by the town, to hold harmless the town from any loss or expense that it may incur as a result of such noncompliance or any future non-compliance. (1991 Code, § 18-231)

18-232. Further action may be taken. If the town fails to obtain cooperation and compliance with the orders of enforcement as outlined in § 18-231, further action may be taken by the director of utilities, as hereinafter provided. (1991 Code, § 18-232)

18-233. Order to show cause. The director of utilities may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the director of utilities 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 director of utilities regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the director of utilities 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. Service may be made on any agent or officer of a corporation. (1991 Code, § 18-233)

18-234. Hearing procedures. The director of utilities may itself conduct the hearing and take the evidence, or may designate any employee of the town to:

(1) Issue, in the name of the director of utilities, notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director of utilities for action thereon. (1991 Code, § 18-234)

18-235. Hearing shall be of record. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The director of utilities, at his/her discretion, may choose to cause minutes of such meetings to be recorded. The detail of such minutes shall be at the discretion of the director of utilities. Any 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. (1991 Code, § 18-235)

18-236. Order to discontinue. After the director of utilities has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and properly operated. Further orders and directives as are necessary and appropriate may be issued. (1991 Code, § 18-236)

18-237. Revocation of permits. Any user, who violates any conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked. Among the conditions which may result in permit revocation are the following:

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

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

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring in accordance with provisions of § 18-228.

(4) Violation of conditions of his industrial discharge permit. (1991 Code, § 18-237)

18-238. Failure to comply. It shall be unlawful for any person to violate either willfully or negligently the provisions of this chapter or to fail to comply with same. The director of utilities through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in accordance with this chapter. (1991 Code, § 18-238)

18-239. Civil penalty. A violation for failure to comply with any of the provisions of this chapter, including the willful furnishing of false information relative to same for the use of the POTW shall be and hereby is declared to be a misdemeanor. Upon trial in Chancery or Circuit Court for Rutherford County, Tennessee and conviction, any person or user in violation of or failure to comply with any of the provisions of this chapter or the use by any person of the POTW in violation of this chapter shall be punished by a fine of not more than ten thousand dollars (\$10,000.00) or by imprisonment of not more than sixty (60) days or both for each violation. Each day a violation occurs or continues shall constitute a separate violation hereunder. Every person concerned in the violation of the provisions of this chapter or failure to comply with same, or who furnishes false information relative to his use of the POTW aforesaid, whether he directly commits the acts or aids and abets same, and whether present or absent, shall be proceeded against and held as a principal.

(1) The town may, at its sole option, choose to proceed with the following compliance procedures in lieu of misdemeanor prosecution under § 18-239.

(a) Courses of action. In the event a violation of the sewer use ordinance occurs the violator may:

- (1) Receive a notice of violation;
- (2) Be required to appear at a show cause hearing to show cause why it should not be fined;
- (3) Attend an administrative hearing where either an administrative order or a schedule of compliance may be issued; or
- (4) An administrative civil penalty may be imposed upon the violator.

(b) Categories of violations. There are three categories of violations of the sewer use ordinance which are subject to the imposition of a civil penalty.

- (1) Reporting violations.
- (2) Permit limit violations.
- (3) Schedule of compliance violations.

(c) Reporting violations. A reporting violation of the sewer use ordinance is defined as failure to maintain, submit or provide appropriate documentation regarding sewer use, or other material as required by the sewer use ordinance, when requested to do so by the Town of Smyrna. Each daily occurrence is a separate violation of the Smyrna sewer use ordinance and is subject to a civil penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per violation.

(d) Permit limit violation. A permit limit violation occurs upon the happening of any one of the following events:

- (1) When a customer's monthly average flow exceeds 100% of limits established in the permit.

(2)(a) If the flow rate established in the permit is in gallons per minute and the customer's maximum flow rate exceeds 120% of the limits established in the permit for a period of fifteen (15) consecutive minutes.

(b) If the customer's maximum flow rate is established on a daily or monthly basis, as opposed to a gallons per minute basis, a violation occurs if the maximum flow rate exceeds 100% of the limits established in the permit.

(3) Any other parameter in excess of 110% of limits established in the permit.

Each violation occurrence is deemed a separate offense hereunder and will be subject to the imposition of a civil penalty in accordance with the schedule adopted by the town council.

(e) Schedule of compliance violations. A schedule of compliance violation is a failure to comply with the schedule of compliance issued as a result of an administrative hearing. For each day during which the schedule of compliance is not met a separate violation hereunder occurs. Each such violation is subject to the imposition of a civil penalty in the amount of two hundred fifth dollars (\$250) per day.

(f) Factors determining amount of civil penalty. Although not intended to be an exhaustive list of factors to be considered, in addition to any and all relevant factors, the Town of Smyrna, when imposing a civil penalty, shall consider the number of previous violations of the user, whether the violation occurred after a schedule of compliance was issued, the severity of the violation, the potential environmental damage of the pollutant, and the actual damage occurring to publicly owned facilities.

(g) Reimbursement for costs incurred. In the event the Town of Smyrna incurs costs for inspection and investigation of the facility in order to determine whether damage to the facility occurred as a result of the violation of the Smyrna sewer use ordinance, then, in that event, in addition to all other rights and remedies the Town of Smyrna has, the town shall also be entitled to receive and be reimbursed for its actual costs incurred in inspection and investigation for possible damage to the facility. Recovery of these costs are in addition to the imposition of the civil penalty provided for herein.

(h) Additional costs for causing plant to exceed NPDES permit. In the event the industrial users violation of the sewer use ordinance causes the Town of Smyrna waste water treatment plant to exceed its national pollutant discharge elimination system (NPDES) permit and the State of Tennessee or the Environmental Protection Agency, or any other state or federal agency, imposes a civil penalty or fine upon the Town of Smyrna the violator shall likewise be responsible for reimbursing the Town of Smyrna all costs incurred as a result of the action of the State of

Tennessee, the Environmental Protection Agency or any other state or federal agency.

(i) Actual damage to system facilities. In the event the users violation of the sewer use ordinance causes actual damage to the Town of Smyrna facilities, the user whose violation of the sewer use ordinance proximately causes the damage to the facility shall, in addition to all other obligations hereunder, reimburse the Town of Smyrna its actual costs incurred in repairing or correcting the damage occurring to the public facilities.

(j) Administrative hearing guidelines.

(1) The following definitions are applicable to this section:

(a) "Due process" shall entitle the industrial user to the following safeguards:

(i) Adequate notice to the user of the reasons it is believed a violation of the Smyrna sewer use ordinance occurred.

(ii) Opportunity for the user to examine all relevant documents, records and regulations of the Town of Smyrna prior to the hearing for the purpose of preparing a defense.

(iii) Right of the user to be represented by counsel.

(iv) Opportunity for the user to confront and cross-examine any and all witnesses against it and to present any affirmative legal or equitable defense which the user may have.

(v) A decision based solely upon the facts presented at the hearing.

(b) "Hearing officer" shall mean the Director of Utilities of the Town of Smyrna.

(c) Industrial user shall mean any entity possessing an industrial users permit issued by the Town of Smyrna, Tennessee.

(2) Procedures governing the hearing.

(a) The hearing shall be held before the hearing officer.

(b) The industrial users shall be afforded a fair hearing providing the due process safeguards set forth hereinabove.

(c) The hearing officer may render a decision without proceeding with the hearing if the officer determines the issues have been previously decided in another proceeding.

(d) If the industrial user fails to appear at a scheduled hearing the hearing officer may make a determination that the party has waived its right to a hearing or may postpone the hearing for a period of time not to exceed 5 days. The industrial user shall be notified of the determination of the hearing officer in writing.

(3) At the hearing, the Town of Smyrna shall first make a showing that a violation of the sewer use ordinance occurred and that there is probable cause to believe the user so charged committed the violation of the sewer use ordinance. The Town of Smyrna bears the burden of proving the user charged violated the sewer use ordinance by a preponderance of the evidence.

(4) The hearing shall be conducted informally and evidence pertinent to the facts and issues raised may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require the Town of Smyrna, the industrial user, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party and granting or denying the relief sought, as appropriate.

(5) The hearing officer shall prepare a written decision, together with the reasons therefore, within fifteen (15) days from the date of the hearing. A copy of the decision shall be forwarded to the industrial user.

(k) The final decision of the director of utilities in conjunction with this section may be appealed to the town council. Such request for appeal must be requested in writing and addressed to the town clerk, Town of Smyrna, Tennessee. (1991 Code, § 18-239, modified)

18-240. Users not connected who fail to comply. In any case which involves a person who fails to comply with this chapter but who is not connected to or is not a user of the POTW, the town shall give notice to such person by certified mail, stating the specifics of the failure of compliance and requiring that the person promptly remedy the failure. At the same time, the town shall report the facts of such case in writing to such other government agency as may have jurisdiction and power to take appropriate enforcement action. (1991 Code, § 18-240)

18-241. Failure to pay charges. In any case involving a person who has failed to pay any applicable and duly prescribed civil penalties within the time limits prescribed for such payment, procedure for enforcement shall be as follows:

(1) The town clerk shall give notice to such person by certified mail stating the specifics of the non-payment and requiring that the person make full payment within ten (10) calendar days after receipt of notice.

(2) The town clerk may thereupon, without further notice, cause the water service from the public water system to be discontinued for such person or cause the connection to the sewerage system to be severed for such person.

(3) In any case where water service is discontinued or the sewer connection is severed by the town for enforcement purposes, the restoration of such service shall be conditioned on full payment of all delinquent user charges and penalties and any expenses incurred in the enforcement proceedings and in the restoration of the service. (1991 Code, § 18-241)

18-242. Commencement of action. If any person discharges wastewater, industrial wastes, or other wastes into the POTW contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the director of utilities; the town attorney upon request from the director of utilities may commence an action for appropriate civil penalties in the Chancery or Circuit Court of Rutherford County, Tennessee where same is necessary to enforce this chapter or to recover damages caused by the failure of any user to comply with this chapter. (1991 Code, § 18-242, modified)

18-243. Cost recovery. It is the purpose of this section to provide for the recovery of costs from users of the Smyrna, Tennessee POTW for the implementation of the program established herein and for the construction, operation and maintenance of said system. The Town of Smyrna, Tennessee, will adopt charges and fees which may include:

- (1) Service connection charges.
- (2) User charges.
- (3) Fees for reimbursement of costs of setting up and operating the Smyrna, Tennessee Pretreatment Program.
- (4) Fees for monitoring, inspections and surveillance procedures.
- (5) Fees for reviewing accidental discharge procedures and construction.
- (6) Fees for permit applications.
- (7) Fees for filing appeals.
- (8) Other fees as the town council may deem necessary to carry out the requirements contained herein. (1991 Code, § 18-243)

18-244. Fees and charges shall be published. All charges, fees, and other penalties shall be published in a schedule separate from this chapter and may be revised from time to time as the town council finds necessary for maintenance of the purposes described in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town. (1991 Code, § 18-244)

CHAPTER 3

WATER AND WASTEWATER TAP FEE AND RATE SCHEDULE

SECTION

- 18-301. Water capacity fee schedule.
- 18-302. Wastewater capacity fee schedule.
- 18-303. Special assessment zone fees.
- 18-304. Special assessment zone.
- 18-305. Water and sewer department rate schedule.
- 18-306. Fee schedule to be charged of initiation of utility service.
- 18-307. Tank truck disposal charges.
- 18-308. Fees for private fire hydrants and sprinklers.
- 18-309. Sewer inspection fee.

18-301. Water capacity fee schedule. Each water tap shall be based on the number of residential units demanded to equal the peak day anticipated volume, or part thereof. A residential unit shall be defined as a two hundred (200) gallons per day demand. Water capacity fees shall be set by town council in the fee schedule adopted in accordance with the annual budget ordinance.

The actual cost of labor and material, in addition to the usage demand charge, shall be charged for all meters larger than a 5/8 x 3/4 residential style meter.

All road crossing, road repair or service lines in excess of twenty-five (25) feet from existing water main shall be charged at the actual cost of labor and material.

The following schedule shall prevail to establish a guide as to the number of residential units associated with certain type activities:

Single family dwelling (home)	1 Unit
Apartment (each)	1 Unit
Motel room (each)	½ Unit
Restaurant (order from menu)	10 Units
Lounge	5 Units
Fast food restaurant	8 Units
Laundromat	½ Unit per washer
Convenience store w/cooking	5 Units
Office building	1 Unit
	per 3000 S.F. or
	portion thereof of
	total space
Warehouse	1 Unit
	per 10,000 S.F.
	or portion

	thereof of total warehouse floor space plus 1 unit per 2,000 S.F. or portion thereof of office space
Car wash (full service)	10 Units/bay
Car wash (self service)	2 Units/bay
Service station	5 Units
Manufacturing facility	Negotiated (Based on 1 unit per each 200 G.P.D. peak demand)

Water tap fees for yard/irrigation meters for new and existing construction and for other secondary meters that are added to existing customers to separate flows for billing purposes shall be set by town council in the fee schedule adopted in accordance with the annual budget ordinance. (Ord. #06-27, June 2006, modified)

18-302. Wastewater capacity fee schedule. Each sewer (wastewater) tap shall be based on the number of residential units demanded to equal the peak day anticipated volume, or part thereof, of potable water demand.

Wastewater capacity fees shall be set by town council in the fee schedule adopted in accordance with the annual budget ordinance.

The number of units will be determined by the number of units applicable to water taps.

This fee is for the availability of sewer service and includes no service or lateral construction by the town.

The capacity fee shall be due and payable as a condition of the final plat approval or upon application for service. Payment of said capacity fee is not subject to refund or reimbursement by the Town of Smyrna. (1991 Code, § 18-302, modified)

18-303. Special assessment zone fees. Applicable to any sewer tap where the town council have determined it is necessary to increase sewer capacity fees to recover expenditures of the town or where the town council, in recognition of the fact that a private developer has been required to expend monies over and above that required to provide service to his development, and these constructed facilities will benefit other development, that the council has seen fit to allow an increased capacity fee be charged with a portion of the proceeds as determined prior to construction being reimbursed to the developer.

These fees shall be levied on an individual project basis and shall be passed by ordinance by the town council. (1991 Code, § 18-303, modified)

18-304. Special assessment zone. (1) The Harts Branch drainage basin sanitary sewer. (PROJECT 776). The "unit sewer capacity fee" shall be increased (over the base fee) by one hundred dollars (\$100.00) for each two thousand (2,000) l.f. of sanitary sewer construction which was completed under the Town of Smyrna Project Number 776. The base zone fee shall be one thousand two hundred dollars (\$1,200.00).

(2) The Stewart Creek drainage basin sanitary sewer. (Project 180). The attached Exhibit "B" indicates the special assessment zones related to the Stewart Creek Drainage basin. The "unit sewer capacity fee" shall be the base zone fee as established in § 18-302 plus one thousand six hundred dollars (\$1,600.00) in Zone A (East of I-24). The "unit sewer capacity fee" shall be the base zone fee as established in § 18-302 plus two thousand four hundred dollars (\$2,400.00) in Zone B (West of I-24). This fee will apply to all branch or extension sewer mains connected to the mains constructed under the "Project 180." (1991 Code, § 18-304, modified)

18-305. Water and sewer department rate schedule. (1) Water. Water rate fees shall be set by town council in the fee schedule adopted in accordance with the annual budget ordinance.

(a) For any customer whose water requirements are such that the town council authorizes the director of utilities department to enter into service agreements, the rates shall be set with such customer per such service agreement. Minimum billing amounts and sales prices in addition to the cost of water shall be set by the service agreement.

(b) State of Tennessee sales tax will be added to each monthly bill unless tax exempted.

(2) Sewer. Sewer fees shall be set by town council in the fee schedule adopted in accordance with the annual budget ordinance.

(a) For any residential customer or builder who is currently engaged in the construction of a structure the service is intended to serve, an application for service has been completed, and the customer has an active and valid building permit in effect, wastewater charges shall not apply.

(b) Wastewater charges made on water designated for irrigation and separately metered, shall not apply. An application for such service for any meter so designated must be on file in the utility department. No adjustments for water charges related to leakage shall be allowed for irrigation meters.

(c) The policy of allowing the use of un-metered water for the purpose of brick-laying, painting, etc. will continue in return for the customer properly placing the water meter box to grade shall continue.

- (d) The policy of allowing the adjustment of wastewater charges on water to fill swimming pools once each calendar year will continue.
- (e) The policy of allowing the adjustment of wastewater charges on water, where an affidavit is presented, when a leak has occurred and has been fixed, shall be continued.
- (f) This policy will be changed to allow for more than one billing to be adjusted when the leak has occurred over more than one billing period. (Ord. #06-27, June 2006, modified)

18-306. Fee schedule to be charged of initiation of utility service.

There shall be a fee charged for the initiation of new water service as set forth in the fee schedule adopted by the town council in accordance with the annual budget ordinance. There shall be a fee charged for the transfer of water service and for re-connection of water service disconnected as a result of non-payment as set forth in the fee schedule adopted by the town council in accordance with the annual budget ordinance.

The above fees will be increased on a per trip basis if the service is performed during times town hall offices are not open for regular business in an amount set forth in the fee schedule adopted by the town council in accordance with the annual budget ordinance. (1991 Code, § 18-306, modified)

18-307. Tank truck disposal charges. Each load will be tested to guard against toxic or other illegal waste being dumped into the system. Dumping will be restricted to 9:00 A.M. to 4:00 P.M. to insure that the lab is open to perform the tests. The load must originate within Smyrna's town limits.

Charges for dumping septic tank waste at the wastewater treatment plants shall be in an amount set forth in the fee schedule adopted by town council in accordance with the annual budget ordinance. (1991 Code, § 18-307, modified)

18-308. Fees for private fire hydrants and sprinklers. The capacity fee for connection of private fire protection lines shall be five hundred dollars (\$500.00) per inch diameter of connection to the town's lines.

18-309. Sewer inspection fee. There shall be a fee as adopted by the town council in accordance with the annual budget ordinance for sewer inspections.

CHAPTER 4

CROSS CONNECTION CONTROL

SECTION

- 18-401. Definitions.
- 18-402. Construction, operation, and supervision.
- 18-403. Non-potable supplies.
- 18-404. Provision applicable.
- 18-405. Statement required.
- 18-406. Fees.
- 18-407. Penalty; discontinuance of water supply.

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

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

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

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

(4) "Auxiliary" intake shall mean any water supply, on or available to a premise, other than that directly supplied by the public water system.

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

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

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

(8) "Cross-connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply, as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or

changeover devices through which or because of which, backflow could occur are considered to be cross-connections.

(9) "Department" shall mean the Smyrna Utilities Department.

(10) "Director" shall mean the director of utilities for the Town of Smyrna or his authorized deputy, agent or representative.

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

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

(13) "Fire protection systems" (a) Class 1 shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind, all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1 except that booster pump may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, and

(d) Class 3 shall be those with direct connection from public water supply mains, and in potable condition.

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

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

(g) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

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

(15) "Potable water" shall mean water that meets the criteria of the Tennessee Department of Environment and Conservation and the Environmental Protection Agency for Human Consumption.

(16) "Public water supply" shall mean the Smyrna waterworks system, which furnishes water to the town for general use and which is recognized at the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve. (1991 Code, § 18-401, modified)

18-402. Construction, operation, and supervision. Construction and operation subject to approval of Tennessee Department of Environment and Conservation; under supervision of the director of utilities.

(1) Compliance with Tennessee Code Annotated. The water department of the Town of Smyrna is to comply with Tennessee Code Annotated, §§ 68-13-701 through 68-13-719 as well as the rules and regulations for public water systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, bypasses, and interconnections, and establish an effective on-going program to control these undesirable water uses.

(2) Regulated. (a) It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection auxiliary intake, bypass or interconnections at all times under the direction of the director of utilities for the Town of Smyrna.

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

(c) For new installations, the department shall inspect the site and/or review plans in order to determine the type of backflow prevention device, if any, that will be required, and notify the owners in writing of the required device. All required devices must be installed and operable prior to initiation of water service.

(d) For existing premises, the department shall perform evaluations and inspections and shall require correction of violations in accordance with federal, state, and local law.

(3) Plumbing permit required. No installation, alteration or change shall be made of any backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose without first securing a suitable plumbing permit from the Smyrna Building Codes Department. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection.

(4) Inspections. The director shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed feasible. The frequency of inspections and reinspection based on potential health hazards involved shall be established by the director in accordance with guidelines acceptable to Tennessee Department of Environment and Conservation. The director or authorized representative shall have the right to enter at any reasonable time any property served by a connection to Smyrna Public Water System for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices.

On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested shall be deemed evidence of the presence of cross-connections.

(5) Corrections of violations. (a) Any person found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the director shall designate the amount of time, but in no case shall the time for correction exceed ninety (90) days.

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

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

(d) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within the time limits set by the department shall be grounds for denial of water service. If proper

protection has not been provided after a reasonable time, the director shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk of public health and safety in the opinion of the director warrant disconnection prior to a due process hearing.

(6) Required protective device. (a) Where the nature of use of the water supplied to a premise by the water system is such that it is deemed:

- (i) Impractical to provide an effective air-gap separation;
- (ii) The owner and/or occupant of the premises cannot, or is not willing, to demonstrate to director or his designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or portability of the water;
- (iii) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (iv) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (v) There is a likelihood that protective measures may be subverted, altered, or disconnected; or
- (vi) The plumbing from a private well enters the building served by the public water supply.

(b) Then the director shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customers premises is contained therein.

(i) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the director as to manufacture, model, size and application. The director prior to shall approve the method of installation of backflow protective devices installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in subsection (vi) below. The installation shall be at the expense of the owner or occupant of the premises.

(ii) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire flow connections for most commercial and educational buildings, construction sites, all industrial, institutional, and medical facilities, all fountains,

lawn irrigation systems, swimming pools, softeners and other point of use treatment systems, and on all fire hydrant connections other than by the fire department in combating fires.

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

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

(2) Premises have unusually complex piping systems;

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

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

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

(iii) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(iv) Additionally, the director may require internal and/or additional backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

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

(A) All required devices must be installed pursuant to Smyrna Municipal Code and by person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water, or its successor. Evidence of current certification at the time of installation will be required.

(B) All devices shall be installed in accordance with the manufacturer installation instructions, and shall

possess all test cocks and fittings required for testing the device. All fittings shall permit direct connection to department test devices.

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

(D) Reduced pressure backflow prevention devices shall be located a minimum of twelve (12) inches plus the nominal diameter of the device above the floor surface. Maximum height above the floor surface shall not exceed sixty (60") inches.

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

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

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

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

(I) An approved strainer, fitted with a test cock, shall be installed immediately upstream of the backflow device or shut-off valve.

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

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

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

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

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

(vi) Personnel of the department or the director's designee shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(vii) Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one unit has been installed and the continuance of service is critical, the director shall notify, in writing, the occupants of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the director may require the installation of a duplicate unit. The director shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Qualified personnel shall make repairs acceptable to the director. The failure to maintain a backflow prevention device in proper working order shall be grounds for discontinuance of water service to premises. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director.

(viii) Testing of devices. A person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Drinking Water (or its successor) for the testing of such devices shall test devices at least annually. Records of all tests shall be provided to the department. Personnel of the department shall have the right to inspect and test the devices whenever deemed necessary by the director. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. (1991 Code, § 18-402, modified)

18-403. Non-potable supplies. (1) The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING

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

(3) Color coding of pipelines in accordance with Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the director, such color-coding is necessary to identify and protect the potable water supply. (1991 Code, § 18-403)

18-404. Provision applicable. The requirements contained herein shall apply to all premises served by the Smyrna Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. This "cross connection" chapter shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination. Any person aggrieved by the action of the director is entitled to a due process hearing upon timely request. (1991 Code, § 18-404)

18-405. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1991 Code, § 18-405)

18-406. Fees. (1) The water and sewer department's (department) cross-connection control officer, provided the device tests satisfactorily, shall charge no fee for the initial or annual test of a backflow prevention device and there are not deficiencies in the installation. In the event that a backflow prevention device fails the initial or annual test, or there are deficiencies in the installation either from failure to conform to the installation criteria specified within this chapter or from deterioration, then the cross-connection officer shall issue a written notice of failure/deficiency. There shall be no fee for re-inspection by the cross-connection control officer, provided the failure/deficiency is corrected within thirty (30) days of the written notice.

(2) Whenever a failure/deficiency mentioned in subsection (1) is not corrected within thirty (30) days of written notification, a fee shall be charged

for re-testing by the cross-connection control officer. The amount of this fee shall be set and adjusted as necessary by the town council based upon the recommendations of the director of the water and sewer department to reflect the cost of providing cross-connection control and shall be in an amount set forth in the fee schedule adopted in accordance with the annual budget ordinance.

(3) The fee shall be assessed each time a device is re-tested by the department subsequent to failure/deficiency after the initial thirty (30) day period mentioned in subsection (1). Where repeated re-inspection and/or re-testing are required to correct violations or deficiencies, the fee shall be assessed each time the inspection/test is repeated. (1991 Code, § 18-406, modified)

18-407. Penalty; discontinuance of water supply. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and subject to a fine of up to five hundred dollars (\$500.00) on the first offense and one thousand dollars (\$1,000.00) for each offense thereafter within any five (5) year period.

Independent of and in addition to fines and penalties, the director may discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, by-pass or interconnection, and service shall not be restored until such cross connection, auxiliary intake, by-pass or interconnection, has been discontinued. (1991 Code, § 18-407)