

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE DISPOSAL.
2. SEWER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

SEWAGE DISPOSAL²

SECTION

18-101. Disposal.

18-101. Disposal. Sewage shall be disposed of in accordance with the provisions of title 18, chapter 2 of this code. (1979 Code, § 8-301)

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

CHAPTER 2**SEWERS¹****SECTION**

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¹Municipal code reference
Plumbing code: title 12.

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18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Fayetteville, Tennessee wastewater treatment system. The objectives of this chapter are:

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

In meeting these objectives, this chapter provides that all persons in the service area of the City of Fayetteville must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users; for the regulations of wastewater discharge volume and characteristics; for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Fayetteville, Tennessee, and to persons outside the city who are, by contract or agreement with the City, users of the municipal wastewater treatment system. Except as otherwise provided herein, the Manager, Fayetteville Water and Sewer System, shall administer, implement, and enforce the provisions of this chapter. This chapter shall be

enforced in accordance with a written enforcement response plan and as provided herein. (1979 Code, § 13-201)

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

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

(2) "Approval authority" - The Commissioner of the Tennessee Department of Health and the Administrator of the EPA.

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

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

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

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

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

(5) "Board" - The Fayetteville Water and Sewer System Board as appointed and working in conjunction with the City of Fayetteville.

(6) "Building drain" - shall be defined as the building drain located from the house.

(7) "Categorical standards" - National categorical pretreatment standards or pretreatment standard.

(8) "Chemical Oxygen Demand (COD)" - The measure of the oxygen equivalent of a sample susceptible to oxidation by the dichromate reflux method.

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

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

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

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

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

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

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

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

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

(18) "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.

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

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

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

(22) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

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

(24) "Local administrative officer" - The authorized representative of the publicly owned treatment works is the Manager of the Fayetteville Water and Sewer System. The manager, with the approval of the Fayetteville Water and Sewer Board, may designate person(s) to serve in his absence when he is unable to perform his duties. Such instances shall include, but not be limited to, the manager being ill or on vacation.

(25) "Local hearing authority" - The Fayetteville Water and Sewer Board.

(26) "Manager" - The person authorized by the Water and Sewer System Board to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative; the local administrative officer.

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

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

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

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

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

(32) "Phenols" - The total of the phenolic chemical compounds as analyzed by the 4AAP Method and as defined in EPA publication, Methods for Chemical Analysis of Water and Wastes," EPA 600/4-79-020, March 1979.

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

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

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

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

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

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

(38) "POTW Treatment Plant" - That portion of the POTW designed to provide treatment to wastewater.

(39) "Shall" or "will" is mandatory; "May" is permissive.

(40) "Significant industrial user" - Means (a) Any discharger subject to national categorical pretreatment standards; or

(b) Any non-categorical dischargers that:

(i) Have a reasonable potential in the opinion of the control authority or the approval authority to adversely affect the POTW's operation,

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

(iii) Discharges 25,000 gallons or more of process wastewater.

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

(42) "State" - State of Tennessee.

(43) "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

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

(45) "Storm sewer" or "storm drain" - shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters upon approval of the manager.

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

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

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

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

(50) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

(52) "Waters of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof. (1979 Code, § 13-202)

18-203. Requirements for proper wastewater disposal. (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 City of Fayetteville, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Except as provided in paragraph (5) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

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

(6) Where a public sanitary sewer is not available under the provisions of Paragraph (4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of §§ 18-207 and 18-208 of this code. (1979 Code, § 13-203)

18-204 Physical connection public sewer. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the manager as required by §§ 18-213 or 18-214 of this chapter.

(2) All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the board and city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) 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 from the front building may be extended to the rear building and the whole considered as one building sewer.

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

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

(a) The minimum size of a building sewer shall be four (4) inches.

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

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

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

(e) Building sewers shall be constructed only of:

(i) Clay sewer pipe using rubber or neoprene compression joints of approved type;

(ii) Cast iron soil pipe with compression joints;

(iii) Schedule 40 polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(iv) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(v) Such other materials of equal or superior quality as may be approved by the manager. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five (5) feet outside of the building and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "T" or "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

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

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check

valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

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

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

(6) All excavations for building sewer installation 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 city and board.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (1979 Code, § 13-204)

18-205. Inspection of connections. (1) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the manager or his authorized representative and subject to testing before the underground portion is covered.

(2) The applicant for discharge shall notify the manager when the building sewer and connection are ready for inspection. (1979 Code, § 13-205)

18-206. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the manager to meet specifications of the city and board. (1979 Code, § 13-206)

18-207. Availability of public sewer. (1) Where a public sanitary sewer is not available under the provisions of § 18-203(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is

otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-204(5)(h).

(3) Where a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice to do so. (1979 Code, § 13-207)

18-208. Requirements for private wastewater disposal. (1) A private domestic wastewater disposal system may not be constructed within the city unless and until a certificate is obtained from the manager stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Lincoln County Health Department.

(2) Before commencement of construction of a subsurface soil absorption facility, the owner shall first obtain written permission from the Lincoln County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Lincoln County Health Department.

(3) A subsurface soil absorption facility shall not be placed in operation until the installation is completed to the satisfaction of the Lincoln County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Lincoln County Health Department when the work is ready for final inspection, and before any underground portions area covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Lincoln County Health Department.

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

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

(6) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Lincoln County Health Department. (1979 Code, § 13-208)

18-209. Holding tank waste disposal permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the manager to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the manager when the

conditions of this chapter have been met and providing the manager is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. (1979 Code, § 13-209)

18-210. Fees for holding tank waste disposal permit. For each permit issued under the provisions of § 18-209, an annual service charge therefor shall be paid to the board to be set as specified in § 18-242. Any such permit granted shall be for one full year, and shall continue in full force and effect from the time issued until the ending of the year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of the tank used in the conduct of the business permitted hereunder. (1979 Code, § 13-210)

18-211. Designated disposal locations. The manager shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation thereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. (1979 Code, § 13-211)

18-212. Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the manager. The possession within the city by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of servicing a wastewater septic tank of wastewater or excreta disposal systems shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the City of Fayetteville. (1979 Code, § 13-212)

18-213. Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the manager for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the manager, the building sewer is installed in accordance with § 18-204 of this chapter and an inspection has been performed by the manager or his representative.

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

may be granted by the manager for interim periods if compliance may be assured within 30 days. (1979 Code, § 13-213)

18-214. Industrial wastewater discharge permits. (1) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit within 180 days after the effective date of this chapter.

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

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

(b) The application shall be in the prescribed form of the board and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the manager.

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

(d) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard,"

shall include either a national pretreatment standard or a pretreatment standard imposed by §§ 18-216, 18-217, or 18-218 of this chapter.

(e) The following conditions shall apply to the schedule required by paragraph (2)(d) of this section:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress shall exceed 9 months.

(ii) No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the control authority.

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

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

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

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

Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements and for equalization;
- (d) Requirements for installation and maintenance of inspections and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (f) Compliance schedules as required in 40 CFR 403.12;
- (g) Requirements for submission of technical reports or discharge monitoring reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the board and affording board access thereto;
- (i) Requirements for notification of the board of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Notification requirements for slug discharges, including any discharge that would violate a prohibition under § 18-216;
- (k) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- (l) Statement of duration (in no case more than five years);
- (m) Statement of non-transferability without, at a minimum, prior notification to the POTW; and/or
- (n) Other conditions as deemed appropriate by the city or board to ensure compliance with this chapter.

(4) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the manager within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by this § 18-214(2)(b) and (2)(c). The terms and conditions of the permit may be subject to modification by the

manager during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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

(6) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the board. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

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

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

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

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

(d) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics. (1979 Code, § 13-214)

18-215. Confidential information. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the manager that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

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

Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the manager as confidential shall not be transmitted to any governmental agency or to the general public by the manager until and unless prior and adequate notification is given to the user. (1979 Code, § 13-215)

18-216. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the board, the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

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

(3) Any wastewater having a pH less than 5.0 or higher than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in receiving waters of the POTW, or to exceed the limitation set forth in a

categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

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

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

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

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

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

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

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

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

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

(14) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which solidify or become viscous at temperature between thirty-two (32) or one hundred forty (140) degrees Fahrenheit (0 and 60 degrees Centigrade).

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

Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the manager and the Tennessee Department of Health, to a storm sewer or natural outlet.

(16) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

(17) Any trucked or hauled pollutants, except at discharge points designated by the POTW in accordance with §§ 18-209 through 18-212. (1979 Code, § 13-216)

18-217. Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Monthly Average Maximum** Concentration (mg/l)
Cadmium	.0130	0.008
Chromium (total)	1.988	1.325
Copper	0.916	0.611
Cyanide	0.803	0.535
Lead	0.516	0.344
Mercury	0.031	0.021
Nickel	1.017	0.678
Phenols	0.420	0.281
Silver	0.211	0.140
Surfactants, as MBAS	37.5	25.0
Zinc	1.971	1.314

*Based on 24-hour flow proportional composite samples.

**Based on minimum of three daily composite samples during a calendar month.
(1979 Code, § 13-217)

18-218. Protection of treatment plant influent. The manager shall monitor the treatment works influent for each parameter in the following table, (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds 80 percent of the levels established by this table, the manager shall initiate technical studies to determine the cause of the influent violation and shall recommend to the board the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The manager shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Daily Average* Concentration (mg/l)	Monthly Average* Concentration (mg/l)
Arsenic (As)	0.15	0.10
Cadmium (Cd)	0.008	0.005
Chromium, Total	0.38	0.25
Copper (Cu)	0.20	0.14
Cyanide (CN)	0.15	0.10
Lead (Pb)	0.15	0.10
Mercury (Hg)	0.008	0.005
Nickel (Ni)	0.21	0.14
Pesticides and Herbicides	0.002	0.001
Phenols	0.188	0.125
Silver (Ag)	0.044	0.03
Sulfide	37.5	25.0
Zinc	0.44	0.29
Total Kieldahl Nitrogen (TKN)		45.0
Oil and Grease	75.0	50.0
MBAS	7.5	5.0
BOD		**
Suspended Solids	**	**
(1979 Code, § 13-218)	**	

*Based on 24-hour flow proportional composite samples.

**Not to exceed the design capacity of treatment works.
(1979 Code, § 13-218)

18-219. Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (1979 Code, § 13-219)

18-220. Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the manager from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use of handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency. (1979 Code, § 13-220)

18-221. Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the board and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the board and the user shall be strictly limited to the capability of the POTW to handle such waste without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength. (1979 Code, § 13-221)

18-222. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-216 and 18-217 of this code. Exceptions can be granted according to the following guidelines:

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

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the manager in his review of the application. Any appeals shall be presented to the board. The decision by this board shall be considered final.

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

The user requesting the exception must demonstrate to the manager that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW

are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (a) Interfere with the normal collection and operation of the wastewater treatment system;
- (b) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management, or
- (c) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

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

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

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

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

- (a) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in §§ 18-216, 18-217, and 18-218 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
- (b) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;
- (c) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works

taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

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

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

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

(g) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge. (1979 Code, § 13-222)

18-223. Accidental discharges. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the manager before the facility is constructed.

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

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the manager (or his designated official) by telephone to enable countermeasures to be taken by the manager to minimize damage to the POTW, the health and welfare of the public, and the environment.

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

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

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

(4) Slug control plan. At least once every two years, the POTW shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The results of such activities shall be available to the approval authority upon request. If the POTW decides that an accident or slug control plan is needed, the plan shall contain, at a minimum, the following elements;

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under § 18-216, with procedures for follow-up written notification within five days;
- (d) Any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, and worker training;
- (e) Any necessary measures for building containment structures or equipment;
- (f) Any additional measures necessary for containing toxic organic pollutants (including solvents);
- (g) Any necessary procedures and equipment for emergency response;
- (h) Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment. (1979 Code, § 13-223)

18-224. Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the manager.

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

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

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the manager, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by the manager before installation.

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

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

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the manager's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the manager, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the manager. (1979 Code, § 13-224)

18-225. Inspection and sampling. The manager shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the board or a representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The board, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the board, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The manager or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment. (1979 Code, § 13-225)

18-226. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional, in accordance with 40 CFR 403.12(b)(6) and (1). (1979 Code, § 13-226)

18-227. Periodic compliance reports. (1) Any user subject to a pretreatment standards, after the compliance date of such pretreatment standards, or, in the case of new source, after commencement of the discharge into the POTW, shall submit to the manager during the months of March and September, unless required more frequently in the pretreatment standards or by the manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

(2) The manager may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(3) The reports required by this section shall include certification requirements per 40 CFR 403.12(1) and shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standards. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the manager. Sampling shall be performed in accordance with the techniques

approved by the manager. Analysis of these samples shall be conducted by an independent laboratory approved by the manager. (1979 Code, § 13-227)

18-228. Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (1) A chain of custody form acceptable to the board which includes the date, exact place, method, time of sampling, the names of the persons taking the samples, and a record of handling up to and including delivery to and receipt by an analytical laboratory;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the manager, Director of the Division of Water Pollution Control Tennessee Department of Health or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the manager, the approval authority, or the Environmental Protection Agency. (1979 Code, § 13-228)

18-229. Safety. While performing the necessary work on private properties, the manager or duly authorized employees of the board shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the board employees and the board shall indemnify the company against loss or damage to its property by board employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1979 Code, § 13-229)

18-230. Complaints and orders. Whenever the local administration officer of any pretreatment agency has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the local administrative officer may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision or provisions of the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a

violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the local hearing authority. One or more of the following orders may be issued for a given violation:

(1) Cease and desist order. When the manager finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the manager may issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

(a) Immediately halt illegal or unauthorized discharges;

(b) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(2) Compliance order. The manager may issue an order to the noncompliant industrial user to achieve or restore compliance with their permit by a date specified in the order. The compliance order may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation and proper operation of pretreatment technology, additional self-monitoring, and management practices.

(3) Consent order. The manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

(4) Show cause order. (a) The manager may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the manager 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 manager regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the manager 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 fifteen (15) days before the hearing.

(b) The manager may itself conduct the hearing and take evidence, or may designate the wastewater treatment plant supervisor or pretreatment coordinator to:

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

(ii) Take the evidence;

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

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a charge set by the manager to cover the costs of preparation.

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

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

Any order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in § 18-232 no later than thirty (30) days after the date such order is served; provided, however, that the local hearing authority may review such final order on the same grounds upon which a court of the state may review default judgments. (1979 Code, § 13-230)

18-231. Submission of time schedule. When the manager finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the manager shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the manager within 3 days of the issuance of any order and shall comply with § 18-214(2)(e). (1979 Code, § 13-231)

18-232. Pretreatment enforcement hearings and appeals. The local hearing authority shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by the local administrative officer, or permit revocations or modifications by him; and affirm, modify, or revoke such actions or orders of the local administrative officer. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with the following:

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

(2) The hearing herein provided may be conducted by the local hearing authority at a regular or special meeting. A quorum of the local hearing authority must be presented at the regular or special meeting in order to conduct the hearing herein provided;

(3) A verbatim record of the proceedings of such hearings shall be taken and filed with the local hearing authority, together with the findings of fact and conclusions of law made pursuant to subdivision (6) of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the local administrator officer to cover the costs of preparation;

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

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

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

(7) The decision of the local hearing authority shall become final and binding on all parties unless appealed to the courts as provided in subsection (2); and

(8) Any person to whom an emergency order is directed pursuant to § 18-234 shall comply therewith immediately but on petition to the local hearing authority shall be afforded a hearing as soon as possible, but in no case such hearing be held later than three (3) days from the receipt of such petition by the local hearing authority.

An appeal may be taken from any final order or other final determination of the local hearing authority by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in of the Tennessee Code Annotated, § 27-8-101, within sixty (60) days from the date such order or determination is made. (1979 Code, § 13-232)

18-233. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city or board, the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county. (1979 Code, § 13-233)

18-234. Emergency termination of sewer service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the manager presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the manager or in his absence the person then in charge of the treatment works shall immediately notify the chairman of the board of the nature of the emergency. The manager shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the board or in their absence such officials of the board as may be available, the manager shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the manager as soon as the emergency situation has been abated or corrected. (1979 Code, § 13-234)

18-235. Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the manager as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance. (1979 Code, § 13-235)

18-236. Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the manager shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the board shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. (1979 Code, § 13-236)

18-237. Damage to facilities. When a discharge of wastes causes an obstruction damage, or any other physical or operational impairment to facilities, the manager shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge. (1979 Code, § 13-237)

18-238. Civilliabilities. Any person or user who violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The board may sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1979 Code, § 13-238)

18-239. Annual publication of significant violators. A list of significant violators of these regulations during the previous 12 months shall be published annually by the authority in the Elk Valley Times. Such publication also may summarize any enforcement action taken against each entity listed during the same 12-month period. For the purpose of this provision; significant violations shall be those that meet one or more of the following criteria:

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

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC for the same pollutant parameter (TRC = 1.4, or 40% over the limit, for BOD, TSS, fats, oil and grease; and 1.2, or 20% over the limit, for all other pollutants except pH);

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

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

(5) Violation, by ninety days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within thirty days of the due date;

(7) Failure to accurately report noncompliance;

(8) Violations which remain uncorrected 45 days after notification of noncompliance;

(9) Violations that are part of a pattern of noncompliance over a 12-month period; or

(10) Any other violation or group of violations which the control authority considers to be significant. (1979 Code, § 13-239)

18-240. Civil penalties. Any user who is found to have violated an order of the board or who failed or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, may be penalized not less than one hundred and 00/100 dollars (\$100.00) nor more than ten thousand and 00/100 dollars (\$10,000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the board may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

Civil penalties may be added to the user's next scheduled sewer service charge and the manager shall have such other remedies to collect the penalties as it has to collect other service charges.

Industrial users desiring to dispute such penalties may secure a review of such assessment by filing with the manager a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the Fayetteville Water and Sewer Board. If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final. Upon receipt of a written petition from the alleged violator pursuant to this section, the manager shall give the petitioner thirty (30) days written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the manager and the petitioner agree to postponement. (1979 Code, § 13-240)

18-241. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record,

report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, be guilty of a misdemeanor. (1979 Code, § 13-241)

18-242. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from users of the board's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, and depreciation.

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

- (a) Inspection fee and tapping fee;
- (b) Fees for application for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring;
- (g) Holding tank waste disposal permit fees; and
- (h) Other fees as the board may deem necessary to carry out the

requirements of this chapter.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by §§ 18-213 and 18-214 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the board at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board. The inspection fee for inspection not during normal working hours, Monday through Friday, 8:00 A.M. through 4:30 P.M., may be increased at the discretion of the board.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(i) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(ii) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter (250 mg/l) by weight and/or whose suspended solids exceeds two hundred fifty milligrams per liter (250 mg/l) concentration.

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

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 100 cubic feet of water purchased (\$/100 cubic feet) with the unit charge being determined in accordance with the following formula:

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

Where;

C_i = The Class I total unit cost in \$/100 cubic feet.

T.S.C. = The total operation and maintenance, administration, and debt service determined by yearly budget projections.

V_t = The total volume of wastewater in 100 cubic feet contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 100 cubic feet of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

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

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-242(5)(a)(ii),

above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = (B_c(B_u-250)+S_c(S_u-250)) \times 0.006239 \times V_u$$

Where;

C_u = Total user surcharge per unit of time.

V_u = Volume in 100's of cubic feet per unit of time. No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 250 mg/l of BOD, and/or 250 mg/l of SS.

B_c = Total cost for treatment of a unit biochemical oxygen demand (BOD) in dollars per pound of BOD.

B_u = Average concentration of BOD contribution from a user per unit of time. If actual value is less than 250 mg/l, the value used in the formula shall be 250.

S_c = Total cost of treatment of a unit of suspended solids (TSS), in dollars per pound of TSS.

S_u = Average concentration of suspended solids contribution from a user per unit of time. If actual value is less than 250 mg/l, the value used in the formula shall be 250.

(6) Surcharge fees. If it is determined by the board that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether

collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-214 of this chapter.

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

(9) Billing. The rules and regulations for billing shall be set by the board.

(10) Annual notification. Each user of the system will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (1979 Code, §§ 13-242--13-250, as amended by Ord. #2001-7, June 2001)

18-243. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the City of Fayetteville, Tennessee. (1979 Code, § 13-251)

CHAPTER 3**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

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

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

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual firm, or association, and any municipal or private corporation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1979 Code, § 8-401)

18-302. Standards. The Fayetteville Water and Sewer System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1979 Code, § 8-402)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Manager of the Fayetteville Water and Sewer System. (1979 Code, § 8-403)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Manager of the Fayetteville Water and Sewer System a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1979 Code, § 8-404)

18-305. Inspections required. It shall be the duty of the Fayetteville Water and Sewer System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Manager of the Fayetteville Water and Sewer System and as approved by the Tennessee Department of Health. (1979 Code, § 8-405)

18-306. Right of entry for inspections. The manager or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Fayetteville Water and Sewer System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the

inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1979 Code, § 8-406)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Manager of the Fayetteville Water and Sewer System. (1979 Code, § 8-407)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

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

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

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

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of

service is critical, the manager shall notify the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the Manager of the Fayetteville Water and Sewer System. (1979 Code, § 8-408)

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

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters one-inch high located on a red background. (1979 Code, § 8-409)

18-310. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Manager of the Fayetteville Water and Sewer System shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued.(1979 Code, § 8-410)