TITLE 18

WATER AND SEwers

CHAPTER
1. WATER AND SEWERS.
2. SEWER USE ORDINANCE.
3. REGULATIONS OF ANIMAL AND VEGETABLE FATS, OILS AND
   GREASE, AS WELL AS SOLIDS, SAND AND LINT TRAPS,
   SEPARATORS AND INTERCEPTORS.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

SECTION
18-102. Definitions.
18-103. Obtaining service.
18-104. Application for service.
18-105. Service charges for temporary service.
18-106. Connection charges and deposits.
18-108. Variances from and effect of preceding section as to extensions.
18-110. Meter tests.
18-111. Schedule of rates.
18-112. Multiple services through a single meter.
18-114. Discontinuance or refusal of service.
18-116. Termination of service by customer.
18-117. Access to customers' premises.
18-118. Inspections.
18-119. Customer's responsibility for system's property.
18-120. Customer's responsibility for violations.
18-121. Supply and resale of water.

---

1Municipal code references
   Refuse disposal: title 17.
   Shelby County codes applicable within town: § 12-101.
18-122. Unauthorized use of or interference with water supply.
18-123. Limited use of unmetered private fire line.
18-124. Damages to property due to water pressure.
18-125. Liability for cutoff failures.
18-126. Restricted use of water.
18-127. Interruption of service.

18-101. **Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1994 Code, § 13-101)

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

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

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the town to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(5) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1994 Code, § 13-102, modified)

18-103. **Obtaining service.** A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (1994 Code, § 13-103)

18-104. **Application for service.** Each prospective customer desiring water and/or sewer service must apply for such service to the recorder. If, for any reason, a customer, after applying for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to
render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1994 Code, § 13-104)

18-105. **Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1994 Code, § 13-105)

18-106. **Connection charges and deposits.** Connection charges and deposits shall be established by the town and amended from time to time by appropriate ordinance or resolution.¹ (1994 Code, § 13-106)

18-107. **Water and sewer main extensions.** Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water and sewer

¹Administrative ordinances and resolutions are of record in the office of the town recorder.
systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1994 Code, § 13-107)

18-108. Variances from and effect of preceding section as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1994 Code, § 13-108)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1994 Code, § 13-109)

18-110. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;, 3/4&quot;, 1&quot;, 2&quot;</td>
<td>2%</td>
</tr>
<tr>
<td>3&quot;</td>
<td>3%</td>
</tr>
<tr>
<td>4&quot;</td>
<td>4%</td>
</tr>
<tr>
<td>6&quot;</td>
<td>5%</td>
</tr>
</tbody>
</table>

The town will also make tests or inspections of its meters at the request of the customer. (1994 Code, § 13-110)
18-111. **Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.\(^1\) (1994 Code, § 13-111)

18-112. **Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1994 Code, § 13-112)

18-113. **Billing.** Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the town.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

\(^1\)Administrative ordinances and resolutions are of record in the recorder's office.
Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the town if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1994 Code, § 13-113)

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

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

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1994 Code, § 13-114)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars ($10.00) shall be collected by the town before service is restored. (1994 Code, § 13-115)

18-116. Termination of service by customer. Customers who have fulfilled their obligations and wish to discontinue service must give at least three (3) days notice to that effect. Notice to discontinue service will not relieve the customer from any minimum or guaranteed payment under the applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During such ten (10) day period, or thereafter, the occupant of
premises to which service has been ordered discontinued by a customer other
than such occupant, may be allowed by the town to enter into a contract for
service in the occupant's own name upon the occupant's complying with these
rules and regulations with respect to a new application for service. (1994 Code,
§ 13-116)

18-117. Access to customers' premises. The town's identified
representatives and employees shall be granted access to all customers'
premises at all reasonable times for the purpose of reading meters, for testing,
inspecting, repairing, removing, and replacing all equipment belonging to the
town, and for inspecting customers' plumbing and premises generally in order
to secure compliance with these rules and regulations. (1994 Code, § 13-117)

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

Any failure to inspect or reject a customer's installation or plumbing
system shall not render the town liable or responsible for any loss or damage
which might have been avoided had such inspection or rejection been made.
(1994 Code, § 13-118)

18-119. Customer's responsibility for system's property. Except as
herein elsewhere expressly provided, all meters, service connections, and other
equipment furnished by or for the town shall be and remain the property of the
town. Each customer shall provide space for and exercise proper care to protect
the property of the town on his premises. In the event of loss or damage to such
property arising from the neglect of a customer to properly care for same, the
cost of necessary repairs or replacements shall be paid by the customer. (1994
Code, § 13-119)

18-120. Customer's responsibility for violations. Where the town
furnishes water and/or sewer service to a customer, such customer shall be
responsible for all violations of these rules and regulations which occur on the
premises so served. Personal participation by the customer in any such
violations shall not be necessary to impose such personal responsibility on him.
(1994 Code, § 13-120)
18-121. **Supply and resale of water.** All water shall be supplied within the town exclusively by the town and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the town. (1994 Code, § 13-121)

18-122. **Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1994 Code, § 13-122)

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

All private fire hydrants shall be sealed by the town, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1994 Code, § 13-123)

18-124. **Damages to property due to water pressure.** The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1994 Code, § 13-124)

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

1. After receipt of at least ten (10) days' notice to cut off a water service, the town has failed to cut off such service.
2. The town has attempted to cut off a service but such service has not been completely cut off.
3. The town has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1994 Code, § 13-125)
18-126. **Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1994 Code, § 13-126)

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

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1994 Code, § 13-127)
CHAPTER 2
SEWER USE ORDINANCE

SECTION
18-201. General provisions.
18-202. Use of and connection to public sewers.
18-203. Private domestic wastewater disposal.
18-204. Applications for service--permits.
18-205. Commercial and industrial pretreatment.
18-206. Monitoring, reports, records, access and safety.
18-207. Discharge regulations.
18-208. Wastewater charges, fees, and billing.
18-209. Enforcement and abatement.
18-210. Wastewater regulations appeals board.

18-201. General provisions. (1) Purpose and policy. This sewer use ordinance sets uniform requirements for discharges into the wastewater collection system and treatment works and enables the Town of Arlington, Tennessee to comply with the provisions of the Federal Water Pollution Control Act Amendments of 1972, PL92-500, the Clean Water Act of 1977 and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive maximum public benefit by regulating the quality and quantity of wastewater discharged into the town's wastewater collection system and treatment works. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. The main purpose of this ordinance is to prevent the introduction of pollutants into the publicly-owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or into the atmosphere, or otherwise be incompatible with the treatment works. This ordinance provides guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the service area. This ordinance establishes pretreatment requirements for industrial waste before discharge into public sewers as required in title 40, part 403 of the Regulations of the Environmental Protection Agency (Federal Register, Vol. 43, No. 123) and any subsequent amendments thereof; establishes control over the contribution of wastewater which requires greater treatment expenditures than those necessary for equal volumes of normal domestic wastewater; and provides measures for the
enforcement of its provisions and abatement of violations thereof. This ordinance shall supersede any other ordinances or portions thereof which may be in conflict with this municipal code.

(2) Definitions. For purposes of this chapter the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(a) "Act" or "the Act" means Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

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

(c) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

(d) "Board." Wastewater Regulations Appeals Board.

(e) "Building sewer," means the conveying of wastewater from the building drain to the public sewer or other place of disposal.

(f) "Categorical standards," National Pretreatment Standards.

(g) "Combined sewer" shall mean a sewer receiving both surface and sewage.

(h) "Compatible wastes," biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment works NPDES permit, for which the publicly-owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(i) "Connection" shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the town.

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

(k) "Cooling water" shall mean the water used for heat exchange and discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any polluting material.

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

(m) Domestic use" of the facilities of the wastewater treatment system shall be defined and limited to single family, multi-family, apartment or other dwelling unit equivalent containing sanitary facilities
for the disposal of domestic wastewater and used for residential purposes only.

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

(o) "Extra strength wastewater" shall mean any wastewater that has any characteristic or combination of characteristics exceeding the characteristics of normal domestic wastewater and that require effort or expenditure over and above that required for treatment of normal domestic wastewater.

(p) "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.

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

(r) "Incompatible wastes," all pollutants other than compatible wastes as defined within.

(s) "Indirect discharge" means 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) for treatment before direct discharge to the waters of the state.

(t) "Industrial user," means a source of indirect discharge which does not constitute a "discharge or pollutant" under regulation issued pursuant to section 402 of the Act.

(u) "Industrial wastes" are the liquid wastes, other than domestic wastewater resulting from processes or operations employed in industrial or commercial establishments.

(v) "Interference," means inhibition or disruption of sewer treatment system processes or operations or which contribute to the violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance 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 POTW.

(w) "Maximum concentration," a maximum amount of a specified pollutant into the volume of water or wastewater.

(x) "National pollution discharge elimination system" or "NPDES permit," a permit issued to a POTW pursuant to 402 of the Act.
(y) "National pretreatment standards" or "pretreatment standards," means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users and/or this ordinance.

(z) "Natural outlet" shall mean any point of discharge into a water course, pond, ditch, lake, stream, or other body of surface or ground water.

(aa) "New source," any source, the construction of which is commenced after the publication of proposed regulations prescribed in section 307(c) categorical pretreatment standards which will be applicable to such source if such standard is thereafter promulgated within one hundred twenty (120) days of a proposal and the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposed, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(bb) "Normal domestic wastewater," shall be regarded as normal for the town, if analyses show daily average concentrations of suspended solids, BOD, animal and vegetable oil and grease, and ammonia which do not exceed the limitations on wastewater strength as established herein; and if it contains only compatible pollutants as defined herein.

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

(dd) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A pH value indicates the degree of acidity or alkalinity.

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

(ff) "Premises." A parcel of real estate or portion thereof including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.

(gg) "Pretreatment," the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of pollutant properties and 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, changes or by other means, except if prohibited by 40 C.F.R. section 403.6(d).

(hh) "Publicly-owned treatment works" or "POTW," a treatment works as defined by section 212 of the Act, which is owned in this
instance by the town. This definition includes any sewer that conveys wastewater to such a treatment works, that does not include pipes, sewers or other conveyances not connected to the facility providing treatment.

(ii) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(jj) "Sanitary sewer" is a sewer intended to receive domestic wastewater and industrial waste, without the admixture of surface water and storm water.

(kk) "Sanitary wastewater" shall mean wastewater discharging from the sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions, and free from storm and surface water.

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

(mm) "Significant industrial user" means all industrial users subject to Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I Subchapter N; any industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, non contact cooling and boiler blowdown wastewater) contributes a wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement.

(nn) "Special use," shall mean any tank, truck, device or facility having connection to the sewer system or having access thereto for a specific maximum amount of wastewater and a discharge period of less than twelve (12) consecutive months.

(oo) "Storm sewer" or "storm drain" shall mean a pipe or conduit, ditch or canal which carries storm and surface waters and drainage, cooling water or other unpolluted water, but excludes wastewater.

(pp) "Superintendent." The person designated by the town 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.

(qq) "Suspended solids" shall mean solids that either float on the surface or are in suspension in wastewater, and which are measurable as prescribed by "standard methods" and expressed in milligrams per liter.

(rr) "Town," the Town of Arlington, Tennessee, a municipal corporation.
(ss) "Toxic pollutant," any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator or the Environmental Protection Agency under provisions 33 USC 1317.

(tt) "Treatment works," any devices and systems used in the storage, treatment, recycling and reclamation of domestic wastewater and industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extension, improvements, remodeling, additions and alterations thereof; elements essential to provide reliable recycle supply such as a stand-by treatment units and clear well facilities; and any works, including land, that will be an integral part of a treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

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

(vv) "Unpolluted water," water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(ww) "User" shall mean any occupied property or premise having a connection to the sewer system, having access thereto, or a special use.

(xx) "Waste," includes sewage and any and all other waste substances, liquid, solid, or gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers or whatever nature prior to, and for purposes of, disposal.

(yy) "Wastewater" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm water as may be present.

(zz) "Wastewater constituents and characteristics," the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters as served to define, classify or measure the contents, quantity, quality and strength of wastewater.

(aaa) Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Ord. #1997-1, Feb. 1997)
18-202. **Use of and connection to public sewers.** (1) **Requirements.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage, or other objectionable waste; and it shall be unlawful to discharge to any natural outlet within the service area of the town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this chapter. 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.

(2) **Availability.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities, therein, and a direct connection to the public sewer shall be made within thirty (30) days after date of official notice to do so, provided the sewer is available. The sewer shall be considered available where the first floor of the building above, or on ground level can be served in accordance with the town's rules and regulations and general practice. Where sewer is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the property shall be billed for sewage service. However, if the making of connection is delayed, the property shall be subject to such charges thirty (30) days after the sewer is accepted by the treatment works. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned. An extension of time may be granted by the superintendent for cause.

(3) **Connection to public sewer.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

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 (1) building sewer.

The connection of the building sewer into the public sewer shall conform to the rules and regulations the town may establish and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the superintendent before installation.
The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall conform to the requirements of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

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 which in turn is connected directly or indirectly to a public sanitary sewer.

All costs and expense incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) Inspection of connections. The sewer connection and all sewer laterals from the building to the sewer main line shall be inspected by an inspector of the town before any underground portion is covered.

(5) Use and maintenance of building sewers. Building sewers that have been previously used but have been abandoned due to the razing of the building structure may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance. All others must be sealed to the specifications of the town. 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 superintendent to meet specifications of the town.

(6) Private wastewater disposal. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this ordinance. A formal application for either original or additional service utilizing a private wastewater disposal system must be made to the town and be duly approved before construction or reconstruction is commenced.

(7) Interruption of service. The town shall not be liable for any damage resulting from failure or overflow of any sewer main, service pipes or valves, or by discontinuing the operation of its wastewater collections, treatment and disposal facilities, for repair, extensions, or connections or from the accidental failure of the wastewater collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency the town shall have the right to restrict the use of its wastewater collection, treatment and disposal facilities
in any reasonable manner for the protection of the town and the treatment works.

(8) Discontinuance of service and refusal to connect service. The superintendent shall, after written notice, and allowance of a reasonable time for remedial action, have the right to discontinue service or to refuse to render service for a violation of, or a failure to comply with, this ordinance, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the town. Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant. Discontinuance of service by the superintendent for any cause stated in this ordinance shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The superintendent shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, apartment or dwelling unit to which such service is to be furnished, is in default in the payment of any obligation to the town or has heretofore had his service disconnected because of a violation of this ordinance or the rules and regulations of the town.

(Ord. #1997-1, Feb. 1997)

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

(2) Requirements. The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the superintendent and the Shelby County Health Department after making such tests and examinations of the site as he deems essential to determine if the soil absorption, topography, drainage area, etc. are satisfactory for underground disposal. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drainfields must be submitted to the town for review for written approval by the superintendent. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation and the Shelby County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and
similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(3) Inspection. A permit for a private wastewater disposal system shall not become effective until installation is completed to the satisfaction of the Shelby County Health Department. The Shelby County Health Department shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the Shelby County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Shelby County Health Department.

(4) Wastewater disposal services. (a) Permit. No person, firm, association, or corporation shall clean out, drain or flush any septic tank or any other type of wastewater or excrete disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this ordinance have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(b) Fees. For each permit issued under the provisions of this ordinance, an annual service charge therefor shall be paid to the town to be set as specified in § 18-208. Any such permit granted shall be for one full fiscal year or a fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

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

(d) Revocation of permit. Failure to comply with all the provisions of this ordinance shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the town limits by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater or excrete disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning,
draining, or flushing septic tanks or other wastewater or excrete disposal systems within the town limits. (Ord. #1997-1, Feb. 1997)

18-204. Applications for service—permits. (1) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the superintendent and be duly approved before connection is made. The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial use. (a) Application. An application for original, additional, or continuation of service must be made at the office of the superintendent, and must be duly approved before connection is made. The application shall be in the prescribed form of the town and shall include to the extent reasonably available the estimated pH, temperature, volume and concentration of BOD, chemical oxygen demand, suspended solids, grease, toxic substances and/or metal together with a drawing to approximate scale showing plan of property, water distribution system and sewer layout indicating existing and proposed pretreatment and/or equalization facilities. The receipt by the town of a prospective customer's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(b) Confidential information. All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the
person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user.

(3) Industrial discharge permit. (a) Wastewater discharge permits required. All industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first apply for a discharge permit therefore. All existing industrial users connected to or discharging to any part of the town system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this ordinance.

(b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

(i) Name, address, and SIC number of applicant;
(ii) Volume of wastewater to be discharged;
(iii) Wastewater constituents and characteristics;
(iv) Time and duration of discharge;
(v) Average and twenty (20) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
(vii) Description and quantities of all materials on the premises which are, or could be, discharged;
(viii) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

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

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions by the town. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this ordinance, and applicable state and federal regulations. Permit conditions will include the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
(ii) The average and maximum wastewater constituents and characteristics;
(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization;
(iv) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment;
(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
(vi) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
(vii) Compliance schedules;
(viii) Other conditions to ensure compliance with this ordinance.

(d) Duration of permit. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. If the user is not notified by the superintendent thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for six (6) months. The terms and conditions of the permit may be subject to modification and change by the superintendent during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation and location. 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, unless approved by the superintendent.

(f) Revocation of permit. Any user who violates the following conditions of his permit or of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of permit include, but are not limited to, the following:

(i) Intentional failure of a user to accurately report the wastewater constituents and characteristics of his discharge;
(ii) Failure of the user to report significant changes in operations or wastewater characteristics;
(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
(iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
(v) Violation of conditions of the permit.

(4) Special use permit. (a) Wastewater discharge permits required. Any person or owner proposing to connect to or discharge into any part of the wastewater treatment system as a special use must first apply for a discharge permit therefore.

(b) Permit application. Such person or owner seeking a wastewater discharge permit as a special use shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the applicable fee. In support of this application, the applicant shall submit the following information:

(i) Name, address, and Standard Industrial Code (SIC) number of applicant if available;
(ii) Volume of wastewater to be discharged;
(iii) Wastewater constituents and characteristics;
(iv) Time and duration of discharge;
(v) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

The superintendent will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, the superintendent may issue a wastewater discharge special use permit subject to terms and conditions provided herein.

(c) Permit conditions. Special use wastewater discharge permits shall be expressly subject to all conditions established by the town. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this ordinance, and applicable state and federal regulations. Permit conditions will include the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
(ii) The average and maximum wastewater constituents and characteristics;
(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization;
(iv) Requirements for maintaining and submitting technical reports and records relating to wastewater discharges;
(v) Average and maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
(vi) Compliance schedules;
(vii) Other conditions to ensure compliance with this ordinance.
(d) Duration of permit. Permits shall be issued for a specified time period, not to exceed one (1) year comprised of twelve (12) consecutive months. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the superintendent during the life of the permit, as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change unless the superintendent determines that an emergency exists. In the event of an emergency the superintendent may suspend all discharges until the emergency has passed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Transfer of a permit. Special use permits are issued to a specific user for a specific operation and location. A special use permit shall not be reassigned or transferred or sold to a new owner, new user, or a new or changed operation, unless approved in writing by the superintendent.

(f) Revocation of permit. Any user who violates the conditions of a permit or of this ordinance, or applicable state or federal regulations, is subject to having the permit revoked. Violations subjecting a user to possible revocation of a permit include, but are not limited to, the following:

(i) Intentional failure of a user to accurately report the wastewater constituents and characteristics of a discharge;
(ii) Failure of the user to report significant changes in operations or wastewater characteristics;
(iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
(iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
(v) Violation of conditions of the permit.

(5) Incomplete applications. The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days or within such extended period as allowed by the superintendent to cure said deficiency. If said deficiency is not cured the superintendent shall submit the application to the board with a recommendation that it be denied and notify the applicant in writing of such action. (Ord. #1997-1, Feb. 1997)

18-205. Commercial and industrial pretreatment. (1) Criteria for pretreatment. Any wastewater discharge from a commercial or industrial user
of the wastewater treatment system whose discharge violates the provisions set out in the prohibited wastewater discharges or the protection of treatment plant influent in § 18-207 of this chapter shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Any commercial or industrial wastewater discharge exceeding only the limitation on wastewater strength provision of this ordinance may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Grease, oil, and sand removal facilities shall be provided by the producer when in the opinion of the town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and/or other harmful ingredients. All interceptors shall be of a type and capacity approved by the town, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Where installed, all removal facilities shall be maintained by the owner, at his expense, in continuous efficient operation at all times.

(2) Pretreatment facilities. (a) Design and construction. All commercial and industrial users of the wastewater treatment works who elect or are required to construct new or additional facilities for pretreatment, shall submit plan, specifications, and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. Written approval of the superintendent must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the town for approval will be retained as file material for future reference with one approved copy returned to the user.

(b) Compliance schedule. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this ordinance, the users shall have two (2) years within which to install and place such facilities into operation but during said two (2) year period, shall submit written progress reports to the superintendent not less often than six (6) months. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstances beyond the user's control, this time may be extended by the superintendent for a period of time not exceeding the time limits imposed by federal pretreatment regulations.

(c) Inspection of facilities. A permit for the operation of a new or existing pretreatment or equalization system shall not become effective until the installation is completed to the satisfaction of the superintendent and written approval for operation is issued to the owner.
by the superintendent. The superintendent or his representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection. In addition, the superintendent shall be allowed to make periodic inspections of the facilities in operation as he deems necessary.

The superintendent may inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the superintendent or his representatives ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The superintendent shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. If the user is found to be in violation of his discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including sampling and analytical costs.

(d) Maintenance of facilities. It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The town must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis.

(Ord. #1997-1, Feb. 1997)

18-206. Monitoring, reports, access and safety. (1) Monitoring facilities. All users who propose to discharge wastewater with flows, constituents and characteristics different from normal domestic wastewater, or whose source of water is supplied from other than the town water system shall be required to install a monitoring facility. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the user's expense. However, such sampling and metering equipment shall be required by the superintendent only after sampling and metering by the town establishes the existence of significant
variations in concentrations or constituents of the user's discharge. Operation, maintenance, sampling, and testing performed by the superintendent shall be at the user's expense. Wastewater samples will be made available to the industry if requested.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for town personnel.

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

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

The superintendent may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass limits, 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 applicable pretreatment standard. All analyses shall
be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 C.F.R. part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the superintendent.

(b) Self monitoring industrial users. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if: the superintendent performs sampling at the industrial user at a frequency of at least once per month or; the superintendent performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

If an industrial user subject to the reporting requirements of this section monitors any pollutant more frequently than required by the superintendent, the results of this monitoring shall be signed as follows:

(i) By a responsible corporate officer if the industrial user submitting the reports is a corporation. For the purpose of this subsection, a responsible officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(B) The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

(iii) By a duly authorized representative of the individual designated in subsection (2)(b)(i) or (2)(b)(ii) of this section if:

(A) The authorization is made in writing by the individual described in subsection (2)(b)(i)(A) or (2)(b)(i)(B);

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator
of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(C) The written authorization is submitted to the superintendent. If an authorization under subsection (2)(b)(iii) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (2)(b)(iii) of this section must be submitted to the superintendent prior to or together with any reports to be signed by an authorized representative.

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

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
(b) The dates analyses were performed;
(c) Who performed the analyses;
(d) The analytical techniques/methods used;
(e) The results of such analyses; and
(f) The sample type to be recorded.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation, 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 required by the superintendent, the director, or the Environmental Protection Agency.

(4) Entry on private property. The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and sources of discharge to the sewers or waterways or facilities for waste treatment.
(5) **Safety.** While performing the necessary work on private properties, the superintendent or duly authorized employees of the town 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 town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for person 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.

(6) **Easement.** The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. #1997-1, Feb. 1997)

18-207. **Discharge regulations.** (1) **Applicability.** All users of the facilities of the POTW shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods."

(2) **Prohibited wastewater discharges.** No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:

(a) Any water or wastes having explosive properties, containing toxic or poisonous substances, or noxious or malodorous gas, which either singly or by interaction with other wastes is capable of causing an obstruction, or which may in any other way cause any interference with the proper operation of the POTW.

(b) Any polluted water including, but not limited to, water from cooling system, groundwater, subsurface drainage, or of stormwater origin and any unpolluted industrial process water which will increase the hydraulic load on the treatment system. 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 authorities having jurisdiction.

(c) Wastes with objectionable color not removable by the treatment process.
(d) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40° Centigrade (104° Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Centigrade (150° Fahrenheit).

(f) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of POTW.

(g) No person shall discharge or permit to be discharged any radioactive waste into a public sewer except:

(i) When the person is authorized to use radioactive materials by the Tennessee Department of Environment and Conservation or the Nuclear Regulatory Commission;

(ii) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(iii) When a copy of permits received from said regulatory agencies have been filed with the superintendent.

(h) Wastewater at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15 minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency).

(i) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particulate greater than one-half (½) inch in any dimension.

(j) Solid or viscous pollutants, including ashes, cinders, sand, mud, lime slurry, lime residue, straw, shavings, metal, glass, rags, feathers, tar, plastics, weeds, and paunch manure, in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(k) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
(l) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

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

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

(3) **Restricted wastewater discharges.** No person or user shall discharge wastewater containing any pollutant in such concentration that the protection criteria standards established herein are violated. An exception may be permitted as provided in this ordinance. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this ordinance.

(4) **Protection of treatment plant influent.** The superintendent shall initiate technical studies to establish protection criteria for the POTW influent, in terms of maximum allowable concentrations of the parameters listed in Table 2 (and other parameters as applicable) to prevent interference with and inhibition of the treatment process including sludge disposal and to prevent violation of the NPDES permit for the POTW.

A schedule of protection criteria for the parameters listed shall be adopted by the town. Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this ordinance. In the event that the influent at the POTW reaches or exceeds the protection criteria established by the town, the superintendent shall initiate additional technical studies to determine the cause of the POTW influent violation and shall recommend to the town the necessary remedial measures including, but not limited to recommending the establishment of new or revised pretreatment standards for these parameters. The superintendent shall also recommend changes to the town to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

### Protection Criteria Standards
**To Apply at POTW Influent**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Maximum Concentration (ug/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper</td>
<td>25.6</td>
</tr>
<tr>
<td>Chromium</td>
<td>68.5</td>
</tr>
<tr>
<td>Nickel</td>
<td>65.1</td>
</tr>
<tr>
<td>Cadmium</td>
<td>01.2</td>
</tr>
<tr>
<td>Lead</td>
<td>11.6</td>
</tr>
<tr>
<td>Mercury</td>
<td>01.1</td>
</tr>
<tr>
<td>Pollutant</td>
<td>Maximum Concentration (μg/l)</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Silver</td>
<td>0.25</td>
</tr>
<tr>
<td>Zinc</td>
<td>64.4</td>
</tr>
<tr>
<td>Cyanide</td>
<td>4.8</td>
</tr>
<tr>
<td>Toluene</td>
<td>15.0</td>
</tr>
<tr>
<td>Benzene</td>
<td>4.0</td>
</tr>
<tr>
<td>1, 1, 1-Trichloroethane</td>
<td>50.0</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>4.6</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td>1500.0</td>
</tr>
<tr>
<td>Chloroform</td>
<td>40.7</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>26.0</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>12.5</td>
</tr>
<tr>
<td>1, 2 Transdichloroethylene</td>
<td>2.3</td>
</tr>
<tr>
<td>Methyl chloride</td>
<td>50.0</td>
</tr>
<tr>
<td>Phenol</td>
<td>0.1</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>0.036</td>
</tr>
<tr>
<td>Phthalates</td>
<td>4.8</td>
</tr>
</tbody>
</table>

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

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the town 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 town and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit.

(7) Limitations on wastewater strength. It is the intent of this ordinance to regulate all discharges of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by 24-hour composite samples, shall be as follows:
<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Daily Average Concentration (mg/l)</th>
<th>Upper Maximum Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOD</td>
<td>250</td>
<td>2200</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>250</td>
<td>1100</td>
</tr>
<tr>
<td>Oil and Grease (must be biodegradable)</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>Ammonia</td>
<td>30</td>
<td>45</td>
</tr>
</tbody>
</table>

(8) Exceptions to discharge criteria. 
(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-207(2) and 18-207(3) of this chapter. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in § 18-209.

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

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 town in its review of the application.

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

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc. so that discharges to the POTW are being minimized. If negligence is found, 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 exempted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system;
(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management;
(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.
The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

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

At such time that the levels of pollutants must be reduced because of violations of any of the provisions in this section, the following method shall be used to reduce the discharge levels: All users shall be required to reduce their discharge levels by a sufficient amount to meet the standard being violated. Users shall be required to reduce their discharge levels in proportion to their contribution to the system.

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

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

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-207 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

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

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

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

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

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

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

(9) Relaxation of discharge criteria. The superintendent shall, to the maximum extent feasible, recommend a relaxation of criteria established in this ordinance in the event the POTW effluent standards are changed or if the POTW removals are such that a relaxation will not cause violation of the effluent standards. Prior to any relaxation of any criteria established in this ordinance, the State of Tennessee Department of Environment and Conservation Division of Water Pollution control must approve such change. Once the approval is granted by the state the town must run a thirty (30) day public notice before the modifications can be adopted by the town.

(10) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this ordinance from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant 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 ordinance shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent for review, and shall be approved by the superintendent before construction of the facility.

If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
(i) Description of discharge practices, including non-routine batch discharges;
(ii) Description of stored chemicals;
(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharges that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five (5) days.
(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

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

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

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

The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the
mass and concentration of such constituents in the wastestream discharged during that calendar month, an estimation of the mass constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred eighty (180) days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 402.12(b), (d) and (e).

Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) notification.

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

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

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

(c) Notice to employees. In order that employees of users be informed of the town's requirements, users shall make available to their employees copies of this ordinance together with such other wastewater information and notices which may be furnished by the superintendent from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this ordinance.

(d) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to user's plumbing or drainage system shall be eliminated. (Ord. #1997-1, Feb. 1997)
18-208. Wastewater charges, fees and billing. (1) Purposes and charges of fees. A schedule of charges and fees shall be adopted by the town which will enable it to comply with the revenue requirements of the Act and its amendments. Charges and fees shall be determined in a manner consistent with regulations of the Act and policies of the town to ensure that sufficient revenues are collected to defray the town's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

(2) Classification of users. All users are to be classified by the town either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the town's cost.

The town shall have the following classification of users: Domestic, commercial, industrial and special. Such classification shall be determined according to the principal activity conducted on the user's premises, except that the classifications of domestic use and special use shall be defined in accordance with § 18-201(2) of this chapter.

(3) Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees which shall be set by resolution and, may include, but not be limited to:

(a) User classification charges;
(b) Fees for monitoring, maintenance, and analysis;
(c) Fees for permits;
(d) Surcharge fees;
(e) Discharge permit fees.

(4) Charges and billing. (a) Wastewater service charge. The wastewater service charge for normal domestic wastewater is based on the water discharged to the POTW as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and the schedule of charges and fees adopted by the town.

(b) Extra strength surcharge. Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this ordinance with an appropriate permit therefore will be subject to a surcharge to compensate the POTW for above normal operating and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user.
The surcharge for extra strength wastes will be assessed in accordance with the schedule of charges and fees adopted by the town. Users who discharge extra strength wastes without a permit shall be subject to the provisions of § 18-209(8) of this chapter. However, no extra strength discharge is permitted above the limits as established in § 18-207(7) of this chapter.

(c) Sampling, flow monitoring, and analysis. Users who are required by the superintendent to have sampling and flow monitoring devices installed (temporary or permanent) shall, if applicable, be charged to compensate the town for operating and maintaining equipment and for performing analytical tests on their discharge.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the town, subject to net and gross rates. Wastewater discharges with above normal strength characteristics will be subject to an extra strength surcharge in addition to the wastewater service charge. In addition, certain industrial users will be liable for payment of sampling, flow monitoring, and analysis charges.

(i) Minimum charges. Where the sewer charge is computed directly, the minimum charge will be stated in the schedule of rates and charges as established by the town.

(ii) Estimated billing. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. The superintendent also reserves the right to require metering of any water discharged into the sewer system.

(iii) Supplemental water supply. In the event that any customer uses water from a source other than the public water supply and discharges the wastewater into the POTW, the customer must install, or have installed according to the town's specifications, and maintain a supplementary meter to measure the amount of water so used and the amounts so used shall be computed in determining the wastewater service charge.

(iv) Adjustments and correction of errors. Adjustments to billing for over or under registration of meters, for leaks, for the determination of water use by consumers when meters have been inoperative, for an obviously incorrect meter reading, or for other recognized and proper adjustments as are granted to water consumers by the town will be accepted by the town and such adjustments for water use shall be applied in obtaining the indicated adjusted billing of sewer charges. All other requests for adjustments of sewer charges made to the town shall be referred to the superintendent who will handle such complaints. Any
adjustments or decision thus authorized by the superintendent shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of nonavailability of sewers may be made to the superintendent. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge.

(5) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges shall be subject to the appeals procedure provided in this ordinance. (Ord. #1997-1, Feb. 1997)

18-209. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this ordinance, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

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

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

(3) Hearing/appeals. (a) Except in those emergency situations as provided for in § 18-209(9), the superintendent shall afford any user an opportunity for a hearing and shall provide not less than forty-eight (48) hours notice thereof, before terminating service for any reason other than nonpayment.

(b) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the superintendent interpreting or implementing the provisions of this ordinance or in granting or refusing of any permit issued hereunder, may file with the superintendent a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's
request for reconsideration. The superintendent's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom, unless modified or suspended by the town.

(c) If the ruling made by the superintendent is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the wastewater regulations appeals board. The written appeal shall be heard within thirty (30) days from the date of filing. The board shall make a final recommendation on the appeal within fifteen (15) days of the close of the meeting. The decision, action or determination of the board shall remain in effect during the pendency of any appeal to the courts unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(4) Notice to users. Notice of a discharge in violation of this ordinance shall be served on the owner, user, and/or permit holder by certified mail, return receipt requested, as well as and in addition to any other means of communication that the town has available to notify the part of said violation and the need for corrective action.

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

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

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

(8) Injunction. Whenever a discharge or wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the superintendent may petition the circuit or chancery court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

(9) Termination of service. In order to effect its powers, the superintendent may enter upon private property for the purpose of inspection
and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation of this ordinance is found to exist.

Prior to termination of service, however, the superintendent shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided.

In the event of an emergency that, in the opinion of the superintendent shall notify the owner and/or tenant and immediately take action to terminate service to the property. In such cases, a hearing shall be held by the superintendent on said termination within twenty-four (24) hours to allow the user an opportunity to demonstrate to the superintendent that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists.

(10) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this ordinance, requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability may be in a sum of not to exceed ten thousand dollars ($10,000) for each day in which such violation occurs.

The superintendent may petition the circuit or chancery court to impose, assess, and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violations, the nature and persistence of the violations, the length of time over which the violation occurs, and the corrective action, if any.

(11) Penalties. Any person who shall continue any violation beyond the time limit specified by the superintendent shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not more than one thousand dollars ($1,000.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense, unless the fact of such violation is being appealed as herein provided.

(12) Falsifying of information. Any person or user who knowingly makes any false statements, representation, record, report, plan or other document filed with the superintendent or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, is hereby declared to be in violation of this ordinance, and subject to the civil liabilities imposed under subsection (10).

(13) Significant noncompliance. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any
magnitude) the daily maximum limits or the average limits for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

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

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

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

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

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely effect the operation or implementation of the local pretreatment program. (Ord. #1997-1, Feb. 1997)


(a) Organization. The wastewater regulations appeals board shall consist of three (3) members appointed by the mayor and approved by the board of aldermen. The term of each appointee shall be for two (2) years unless designated otherwise by the mayor and board of aldermen. The terms of only two (2) appointees shall coincide at any given interval to promote continuity in the decisions and policies set by the board.

(b) Qualifications. The chairman of the board will be an alderman designated by the mayor. The second appointee will be a local citizen selected from the business or industrial community. The third appointee will be a local citizen from the engineering or public health community, preferably one who is knowledgeable in the field of wastewater treatment and control.
(2) Duties and power of the board. (a) The board shall review actions or decisions other than the refusal of applications for exceptions and/or conditions on discharge permits to determine whether or not the decision, action or determination made by the superintendent is reasonable and necessary to protect the POTW and/or effectuate the provisions of this ordinance.

(b) The board shall review actions involving refusal of applications for exceptions and/or conditions on discharge permits to determine whether or not the party appealing said decision has met the conditions prescribed in § 18-207(7).

(c) The board shall have the power to conduct hearings on appeals from decisions of the superintendent in actions taken pursuant to this ordinance.

(d) The board shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in hearings before the board. This power may be exercised by the board on its own initiative or upon application of the parties.

(e) The chairman or chairman pro tem shall be authorized to administer oaths. All testimony before the board shall be under oath.

(f) To prescribe such rules and regulations for the convening of the board, the conduct of hearings and all matters pertaining to and in furtherance of the authority and power are herein granted. (Ord. #1997-1, Feb. 1997)
CHAPTER 3

REGULATIONS OF ANIMAL AND VEGETABLE FATS, OILS AND GREASE, AS WELL AS SOLIDS, SAND AND LINT TRAPS, SEPARATORS AND INTERCEPTORS

SECTION

18-301. Purpose.
18-302. Fats, oils and grease (FOG) waste food, sand separators and interceptors.
18-304. Fats, oils, grease and food waste.
18-305. Sand, soil, and oil interceptors.
18-306. Laundries.
18-308. Grease control equipment sizing.
18-309. Solvents prohibited.
18-310. Cleaning/maintenance of grease control equipment.
18-311. Enforcement and penalties.
18-312. Alteration of control methods.
18-313. Inspection and entry.

18-301. Purpose. The purpose of this chapter is to prevent sanitary sewer system blockages, obstructions and overflows due to contribution and accumulation of fats, oils, and grease from food service establishments, commercial facilities and industrial facilities. This also includes oil and sand separators and interceptors. (Ord. #2005-13, Aug. 2005)

18-302. Fats, oils and grease (FOG) waste food, sand separators and interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for a single family residence, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. #2005-13, Aug. 2005)

18-303. Definitions. In the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Fats, oils and grease (FOG)." Organic compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases".
(2) "Food service establishment (FSE)." Any establishment, business
or facility engaged in preparing, serving, or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered at the discretion of the superintendent.

(3) "Brown grease." Fats, oils, and grease that is discharged to the grease control equipment.

(4) "Yellow grease." Fats, oils, and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled.

(5) "Grease control equipment (GCE)." A device for separating and retaining wastewater FOG prior to wastewater exiting the FSE and entering The Town of Arlington's sewer system. The GCE is so constructed as to separate and trap or hold fats, oils, and grease substances from entering the Town of Arlington's sewer system. Devices include grease interceptor and grease traps.

(6) "Grease interceptor." Grease control equipment identified as a large tank usually five hundred (500) gallon to two thousand (2,000) gallon capacity that provides FOG control for a FSE.

(7) "Grease trap." Grease control equipment identified as an "under the sink" trap. For a FSE approved to install a grease trap, the minimum size requirement is the equivalent of a twenty-five (25) gallon per minute/50 pound capacity trap. All grease traps will have flow control restrictor and venting.

(8) "Grease recycle container." Container used for storage of yellow grease.

(9) "NAICS - North American Industry Classification System." The website is found at (www.census.gov/epcd/www/naics.html).

(10) "Tee (influent and effluent." A T-shaped pipe extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG. Influent and effluent T's are to be made of PVC and extend to within twelve inches (12") to fifteen inches (15") of the bottom of the interceptor.

(11) "Black water." Wastewater containing human waste, from sanitary fixtures such as toilets and urinals.

(12) "Gray water." Refers to all other wastewater other than black water as defined in this section. (Ord. #2005-13, Aug. 2005)

18-304. **Fats, oils, grease and food waste.** (1) General requirements.

(a) All existing food service establishments (FSE) are required to have grease control equipment (GCE) installed, maintained and operating properly.

(b) All FSEs will be required to maintain records of cleaning and maintenance of GCE. GCE maintenance records include, at a
minimum, the date of the cleaning/maintenance, company or person conducting the cleaning/maintenance, the amount of grease wastewater removed. Grease waste hauler's manifest will meet this requirement.

(c) GCE maintenance records will be available at the FSE premises so they can be provided to the Town of Arlington. The FSE shall maintain GCE maintenance records for three (3) years.

(d) All FSEs are required to dispose of yellow grease in an approved container, where contents will not be discharged to any storm water grate or drain. Yellow grease, or any oils or grease, poured or discharged into the FSE sewer lines or the Town of Arlington sewer system is a violation of this chapter.

(e) Owners of commercial property will be held responsible for wastewater discharges from lease holder on their property.

(2) Shelby County Office of Construction Code Enforcement will not issue any plumbing and building permits with a grease trap requirement, until they receive written approval from the Town of Arlington Public Works Department.

(3) New food establishment, upgrading of existing food service establishment or change of ownership of existing food service establishment requirement. Any new FSE, upgrading of an existing FSE, or change of ownership of an existing FSE, will be required to install and maintain a grease interceptor. Food service establishments in one of these categories must submit a FOG plan to the Town of Arlington for approval.

(4) After approval of the FOG plan by the superintendent, the sewer user must: implement the plan within a reasonable amount of time, service and maintain the equipment in order to prevent adverse impact upon the sewer collection and treatment facility. If in the opinion of the superintendent, the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required. (Ord. #2005-13, Aug. 2005)

18-305. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil and oil at the expected flow rates. Those interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection system and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (Ord. #2005-13, Aug. 2005)
18-306. **Laundries.** Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one half inch (½") or larger in size such as strings, rags, buttons, or other solids detrimental to the system. (Ord. #2005-13, Aug. 2005)

18-307. **Grease control equipment.** The equipment installed to control FOG, food waste, sand, and soil must be in accordance with the plumbing code in effect in Shelby County as provided in municipal code § 12-101. Underground equipment shall be tightly sealed to prevent inflow of rain water and easily accessible to allow regular maintenance. Grease control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer and the accumulation of FOG in the lines, pump stations and treatment plant. (Ord. #2005-13, Aug. 2005, modified)

18-308. **Grease control equipment sizing.** The minimum acceptable size of grease control equipment for each FSE classification will be as follows:

- **Class 1:** Deli, ice cream shops, beverage bars, mobile food vendors as defined by NAICS 72213, 722330 - 25 GPM/50 pound grease trap.
- **Class 2:** Limited Service Restaurants (Fast Food Facilities) - NAICS 7222211 - 750 gallon Grease Interceptor. Caterers - NAICS 722320 - 750 gallon Grease Interceptor.
- **Class 3:** Full Service Restaurants - NAICS 722110 - 1,000 gallon Grease Interceptor.
- **Class 4:** Buffet and Cafeteria Facilities - NAICS 722110 - 1,500 GALLON Grease Interceptor.
- **Class 5:** Institutions (Schools, Hospitals, Prisons, etc.) - NAICS 722310 - 2,000 gallon Grease Interceptor.

To calculate the appropriate size GCE, use the following worksheet. (Ord. #2005-13, Aug. 2005)
# TOWN OF ARLINGTON GREASE INTERCEPTOR SIZING WORKSHEET

**Project:** | **Calculated By:** | **Date:**  
---|---|---
**Address:** | **Company:** | **Ref. #:**

**Instructions:**  
The following formula is the Grease Interceptor Sizing Formula for the Town of Arlington.  
Follow the steps to determine grease interceptor size.

<table>
<thead>
<tr>
<th>Number of Meals Per Peak Hour</th>
<th>Waste Flow Rate</th>
<th>Retention Time</th>
<th>Storage Factor</th>
<th>Interceptor Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1</td>
<td>Step # 2</td>
<td>Step # 3</td>
<td>Step # 4</td>
<td>Step # 5</td>
</tr>
</tbody>
</table>

**Recommneded Minimum Size Grease Interceptor**  
Based on Town of Arlington Grease Interceptor Worksheet  
Step # 6

### Step 1: Number of Meals Per Peak Hour

**Recommended Formula:**  
Seating Capacity \( \times \) Meal Factor = Number of Meals Per Peak Hour

- **Establishment Type:**  
  - Fast Food: 45  
  - Restaurant: 60  
  - Leisure Dining: 90  
  - Dinner Club: 120

**Meal Factor:**  
- Fast Food = 1.33
- Restaurant = 1.00
- Leisure Dining = 0.67
- Dinner Club = 0.50

**Notes:**

### Step 2: Waste Flow Rate

**Condition:**  
- b. Without Dishwashing Machine: 5 Gallon Flow
- c. Single Service Kitchen: 2 Gallon Flow
- d. Food Waste Disposer Only: 1 Gallon Flow

**Flow Rate:**

**Notes:**

### Step 3: Retention Time

- Commercial Kitchen Waste Dishwasher: 2.5 Hours
- Single Service Kitchen Single Serving: 1.5 Hours

**Notes:**

### Step 4: Storage Factor

- **Kitchen Type:**  
  - a. Fully Equipped Commercial Kitchen

  **Hours of Operation:**
  - 0 - 8 Hours: 1.5
  - 9 - 12 Hours: 2.0
  - 13 - 16 Hours: 3.0
  - 17 - 24 Hours: 2.0
  - Single Service Kitchen: 2.0

**Notes:**

### Step 5: Calculate Liquid Capacity

Multiply the values obtained from steps 1, 2, 3, and 4.  
The result is the approximate grease interceptor for this application.

**Notes:**

### Step 6: Select Grease Interceptor

Using the approximate required liquid capacity from step 5, select an appropriate size as recommended by this worksheet.

**Notes:**
18-309. **Solvents prohibited.** The use of degreasing or line cleaning products containing petroleum based solvents is prohibited. Chemical treatments such as drain cleaners, acid and other chemicals designed to dissolve or remove grease will not be allowed to enter the grease interceptor. (Ord. #2005-13, Aug. 2005)

18-310. **Cleaning/maintenance of grease control equipment.**

(1) Grease traps shall be cleaned at a frequency of not less than once per every two (2) weeks. Grease trap waste, prior to disposal, should be sealed or placed in a container to prevent leaking. Grease trap waste should not be mixed with yellow grease in the grease recyle container.

(2) Grease interceptors must be pumped at intervals of not longer than thirty (30) days at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand eating utensils, cigarettes, shells, towels, rags, etc., which could settle into a grease pocket and thereby reduce the effective volume of the grease interceptor.

(3) If the town is required to clean out the public sewer lines as a result of a stoppage in the lines resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this section shall be construed to prohibit or restrict any other remedy the town has under this chapter or state or federal law.

(4) The Town of Arlington retains the right to inspect and approve installation of the grease control equipment. (Ord. #2005-13, Aug. 2005)

18-311. **Enforcement and penalties.** (1) Enforcement action against the FSE includes, but is not limited to, failure to clean or pump grease control equipment, failure to maintain grease control equipment, failure to control FOG discharge from the FSE, and the use of additives in such quantities so that FOG is pushed downstream of the FSE.

(2) Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the following general penalty provision:

(a) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability may be in a sum of not to exceed ten thousand dollars ($10,000) for each day in which such violation occurs.

The superintendent may petition the circuit or chancery court to impose, assess, and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including,
but not limited to, the extent of harm caused by the violations, the nature and persistence of the violations, the length of time over which the violation occurs, and the corrective action, if any.

(b) Penalties. Any person who shall continue any violation beyond the time limit specified by the superintendent shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not more than one thousand dollars ($1,000.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense, unless the fact of such violation is being appealed as herein provided. (Ord. #2005-13, Aug. 2005, modified)

18-312. Alteration of control methods. The Town of Arlington, through the superintendent, reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to discharge of fats, oils, and grease, sand/soil or lint. (Ord. #2005-13, Aug. 2005)

18-313. Inspection and entry. Authorized Town of Arlington personnel bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing, or record review, in accordance with this chapter. (Ord. #2005-13, Aug. 2005)
CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL

SECTION
18-401. Definitions.
18-402. Places required to have sanitary disposal methods.
18-403. When a connection to the public sewer is required.
18-404. When a septic tank shall be used.
18-405. Registration and records of septic tank cleaners, etc.
18-406. Use of pit privy or other method of disposal.
18-407. Approval and permit required for septic tanks, privies, etc.
18-408. Owner to provide disposal facilities.
18-409. Occupant to maintain disposal facilities.
18-410. Only specified methods of disposal to be used.
18-411. Discharge into watercourses restricted.
18-412. Pollution of ground water prohibited.
18-413. Enforcement of chapter.
18-414. Carnivals, circuses, etc.
18-415. Violations.

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

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

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

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

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

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width.
The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1994 Code, § 8-301)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1994 Code, § 8-302)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1994 Code, § 8-303)

18-404. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1994 Code, § 8-304)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage
disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1994 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1994 Code, § 8-306)

18-407. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1994 Code, § 8-307)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner, to provide such facilities. (1994 Code, § 8-308)

18-409. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1994 Code, § 8-309)

18-410. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1994 Code, § 8-310)

18-411. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1994 Code, § 8-311)

18-412. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening, either natural or
artificial, in any formation which may permit the pollution of ground water. (1994 Code, § 8-312)

18-413. **Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1994 Code, § 8-313)

18-414. **Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1994 Code, § 8-314)

18-415. **Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1994 Code, § 8-315)
CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION
18-502. Standards.
18-503. Construction, operation, and supervision.
18-504. Statement required.
18-505. Inspections required.
18-506. Right of entry for inspections.
18-507. Correction of existing violations.
18-508. Use of protective devices.
18-509. Unpotable water to be labeled.
18-510. Violations.

18-501. 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 town for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(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 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 organized or existing under the laws of this or any other state or country. (1994 Code, § 8-401)

¹Municipal code references
Water and sewer system administration: title 18.
Wastewater treatment: title 18.
18-502. **Standards.** The municipal public water supply 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. (1994 Code, § 8-402)

18-503. **Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks of the town. (1994 Code, § 8-403)

18-504. **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 superintendent of the waterworks 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. (1994 Code, § 8-404)

18-505. **Inspections required.** It shall be the duty of the superintendent of the waterworks 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 superintendent of the waterworks and as approved by the Tennessee Department of Environment and Conservation. In the event there is any permitted construction, whether they be housed in a new facility or existing facility, a fee shall be charged the Town of Arlington for the review and inspection of drawings and buildings in determining whether backflow prevention devices are necessary. The amount of the fee shall be set by resolution and adjusted as necessary by the Board of Mayor and Aldermen of the Town of Arlington based upon the recommendations of the town superintendent to reflect the cost of providing cross connection control. The fee shall be assessed each time the drawings and buildings are inspected and reviewed. Where repeat drawing and building inspections are required to correct deficiencies, a fee shall be assessed each time the re-review is repeated. (1994 Code, § 8-405, as amended by Ord. #1996-13, Dec. 1996)
18-506. **Right of entry for inspections.** The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply 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. (1994 Code, § 8-406)

18-507. **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 superintendent of the waterworks.

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

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1994 Code, § 8-407)

18-508. **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 water supply, 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 superintendent of the waterworks of the town 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 Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the waterworks 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 it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the waterworks shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The superintendent shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the waterworks.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent of the waterworks.

A fee shall be charged for the testing and inspection of backflow prevention devices. The amount of the fee shall be set by resolution and adjusted as necessary by the Board of Mayor and Aldermen of the Town of Arlington based upon the recommendations of the town superintendent to reflect the cost of providing cross connection control. The fee shall be assessed on each time a device is inspected and tested by the department. Where repeated
inspections and testing are required to correct violations or deficiencies, a fee shall be assessed each time the inspection and test are repeated. (1994 Code, § 8-408, as amended by Ord. #1996-13, Dec. 1996)

18-509. Unpotable water to be labeled. In order that 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

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1994 Code, § 8-409)

18-510. Violations. The requirements contained herein shall apply to all premises served by the municipal water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

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 under the general penalty clause for this municipal code of ordinances. (1994 Code, § 8-410)