

ORDINANCE NO. 123

ORDINANCE AMENDING ORDINANCE NO. 86 TO BE KNOWN AS
"REVISED SEWER USE ORDINANCE"

Whereas, the existing Sewer Use Ordinance, Ordinance No. 86, provided for the initial development and implementation of a sewerage system within the Town of Mount Carmel; and

Whereas, it is in the best interest of the citizens of the Town of Mount Carmel and persons living in close proximity to the corporate limits of the Town of Mount Carmel to substantially revise said Ordinance No. 86 prior to the expansion of the sewerage system; and

Whereas, the public health, safety, and welfare requires it;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE:

1. This ordinance shall be known as the "Revised Sewer Use Ordinance";
2. Ordinance No. 86 as amended by Ordinance No. 105 is repealed in its entirety;
3. Resolution No. 26 is repealed in its entirety;
4. In their place there is substituted the following:

18-101. Purpose and policy. This wastewater discharge chapter sets uniform requirements for discharges into the wastewater collection and treatment system and enables the Town of Mount Carmel to comply with the administrative provisions of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500, 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 the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Mount Carmel sanitary sewer system. This chapter provides means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this chapter shall be used to defray the "Board'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, depreciation, and provide for equitable industrial costs of recovery of EPA-administered Federal grants.

The purposes of this chapter are to:

(1) Provide 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 area of service.

(2) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined.

(3) Establish a control in the contribution of wastewater which requires greater treatment expenditures than are required for equal volumes of normal domestic waste.

(4) Establish pretreatment requirements for industrial waste before discharge to 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.

(5) Establish a uniform procedure for design, installation, inspection, operation, and maintenance of private wastewater treatment and disposal systems, extensions of public sewer systems, laterals and connections to sewer mains.

(6) To incorporate as a part of this code all of the powers granted in and to the Town of Mount Carmel pursuant to Title 7, Chapter 35 of Tennessee Code Annotated, and each amendment thereto.

18-102. Scope. This chapter shall be deemed part of all residential, commercial, industrial, and public contracts for receiving wastewater collection and treatment service from the "Board" and shall apply to all service received whether the service is based upon ordinance contract, resolution agreement, signed application, or other mutual understanding.

18-103. Definitions.

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

(2) Board shall mean the Public Utilities Board of the Town of Mount Carmel, Tennessee.

(3) BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures ("Standard Methods") in five days at 20 degrees centigrade (68° fahrenheit) expressed in milligrams per liter.

(4) Town shall mean the Town of Mount Carmel, Tennessee.

(5) Combined sewer shall mean a sewer receiving all wastewater including a surface runoff.

(6) Compatible pollutant means BOD, suspended solids, nitrogen, animal and vegetable oil and grease, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(7) Connection shall mean any physical tie or hookup made to a sewer line owned, operated and maintained by the Board or Town.

(8) Connection charge shall mean that charge levied to defray the expenditure required to process the application, make the connection, inspect the sewer lateral and service and approve the discharge permit.

(9) Cooling water shall mean the water used for heat exchange and discharge 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.

(10) Customer shall mean any person who receives sewer service from the Board under either an express or implied contract requiring such person to pay the Board for such service or by ordinance or resolution.

(11) Domestic use of the facilities of the Wastewater Control System shall be defined and limited to single family, multi-family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of domestic wastewater and use for residential purposes only.

(12) Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(13) Extra strength wastewater shall be defined as any wastewater that has any characteristic or combination of characteristics exceeding the

characteristics of normal domestic wastewater and that requires effort or expenditure over and above that required for treatment of normal domestic wastewater.

(14) Holding tank waste is defined as any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tanker trucks.

(15) Incompatible pollutant means any pollutant which is not a "compatible pollutant" as defined in this section.

(16) Industrial user shall mean a customer with a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of The Act.

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

(18) Inspector shall mean an inspector of the Town of Mount Carmel, Tennessee.

(19) Interference is the inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirements of the town's NPDES Permit. The term includes prevention of sewage sludge 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 Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SDWA) applying to the methods of disposal or use employed by the municipal wastewater treatment system.

(20) Major industrial user is defined as any wastewater contributor identified in the Standard Industrial Classification (SIC) Manual in any of the division A, B, D, E, and I that:

(a) Has a discharge of more than 10,000 gallons per day of sanitary waste on an average work day, (if seasonal, the average shall be computed on the period of use), or

(b) Has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307 (a) in the Federal Water Pollution Control Act Amendments of 1972, or

(c) Is found by the "Board" to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

(21) Manager of public utilities or manager shall mean the chairman of the Public Utilities Board for the Town of Mount Carmel, Tennessee, or his authorized representative, or such person employed by the Town of Mount Carmel, Tennessee, and so designated by the Board of Mayor and Aldermen as "manager" of the Public Utilities Board.

(22) National Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance for Section 307 (b) and (c) of The Act, which applies to the specific category or industrial users.

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

(24) Normal domestic wastewater shall contain a daily average of not more than 250 mg/l of BOD; 40 mg/l nitrogen; 100 mg/l animal and vegetable oil and grease; and which contains only compatible pollutants as defined herein.

(25) Person, enterprise, establishment, or owner shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or other legal representatives, agents or assigns. The masculine gender should include the feminine, the singular should include the plural where indicated by context.

(26) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. An established pH will be considered as a pH, which does not change beyond the specified limits of 5 to 10 when the waste is subjected to aeration.

(27) Public sewer shall mean a sewer controlled by public authority.

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

(29) Sanitary wastewater shall mean wastewater discharging from the sanitary conveniences of dwellings, including apartments and hotels, office buildings, factories, or institutions including, but not limited to, schools and churches, and free from storm and surface water.

(30) Sewer shall mean a pipe or conduit for carrying wastewater.

(31) Sewer lateral shall consist of the pipeline extending from any sewer main of the system to private property.

(32) Sewer service charge and wastewater service charge shall be synonymous and shall mean the amount charged to the customer for the on-going collection and disposal of sanitary wastewater from the customer's sanitary conveniences.

(33) Shall is mandatory; may is permissive.

(34) Slug shall mean the discharge of any wastewater exceeding a concentration or flow greater than four times that of the average daily wastewater discharge, and which is discharged continuously for a period longer than fifteen minutes.

(35) SIC means the Standard Industrial Classification of Users based upon the SIC Manual prepared by the Office of Management and Budget.

(36) Standard methods shall mean "Standard Methods for the Examination of Water and Wastewater", latest edition, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

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

(38) Suspended solids shall mean the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removed by laboratory filtering.

(39) System User Charge shall mean the amount charged for access to and use of the public sewer for operation, maintenance, and capital improvements for the wastewater control system.

(40) 24-Hour Flow Proportional Composite Sample is a sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(41) Toxic pollutant shall be any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act, section 307(a) or other acts.

(42) Unpolluted water or waste shall mean any water or wastewater containing no free or emulsified grease or oil; acid or alkali, phenols, or other substances imparting taste and odor in receiving waters; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials.

(43) User shall mean any occupied property or premise having a connection to the sewer system or having access thereto.

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

(45) Wastewater control system shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.

(46) Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater or in the case of the Town plant, may also be referred to as POTW (Publicly Owned Treatment Works).

(47) Wye shall mean any mechanical connection for a service lateral.

(48) Other Terms: Terms not otherwise defined herein shall be adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

18-104. General regulations.

(1) Applications for Service - Permits:

(a) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the Board, or other specified location, and may be duly approved before connection is made. The receipt by the "Board" of a prospective customer's application for service shall not obligate the "Board" to render the service. If the service applied for cannot be supplied in accordance with this chapter and the "Board's" Rules and Regulations or general practice, the connection charge and system use charge will be refunded in full, and there shall be no liability of the "Board" to the applicant for such service, except that

conditional waivers for additional services may be granted for interim periods if compliance may be assured within a reasonable period of time.

(b) Industrial use:

(1) Application: An application for original, additional, or continuation of service must be made at the office of the Board, or other specified location, and must be duly approved before connection is made. The application shall be in the prescribed form of the Board, and shall include to the extent reasonably available the estimated pH, temperature, volume, and concentration of BOD, COD, suspended solids, grease, toxic substances and/or metals 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 "Board" of a prospective customer's application for service shall not obligate the "Board" to render the service. If the service applied for cannot be supplied in accordance with this chapter or the "Board" Rules and Regulations or general practice, the application shall be rejected and there shall be no liability of the "Board" to the applicant for such service.

(i) 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 restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the Board 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 the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the Board, 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 accepted by the Board as confidential shall not be transmitted to any governmental agency or to the general public by the Board until and unless prior and adequate notification is given to the user.

(2) Industrial discharge permit:

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

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

(A) Name, address, and SIC number of applicant;

(B) Volume of wastewater to be discharged;

(C) Wastewater constituents and characteristics;

(D) Time and duration of discharge;

(E) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

(G) Description and quantities of all materials on the premises which are, or could be discharged;

(H) Any other information as may be deemed by the Board to be necessary to evaluate the permit application.

(iii) Permit condition: Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, connection charges, system user charges, accounting charges, sewer service charges, and all other regulations, user charges and fees established by the "Board". The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations.

Permit conditions will include the following:

(A) The unit charge or schedule of sewer service charges and fees for the wastewater to be discharged to the system;

connection charges, accounting charges, and system user charges;

(B) Limits on rate and time of discharge or requirements for flow regulation and equalization;

(C) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment;

(D) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;

(E) 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;

(F) Compliance schedules;

(G) Other conditions to ensure compliance with this chapter.

(iv) Sampling and monitoring frequency: All industrial users may be required to provide monitoring facilities, including flow monitoring and sampling equipment as determined by the "Board". Samples of effluent must be made and analyzed at least once per year and the results of analysis sent to the "Board".

(v) Duration of permits: Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the "Board" thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for six months. The terms and conditions of the permit may be subject to modifications and change by the "Board" 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 any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(vi) Transfer of a permit: Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the expressed written consent of the Board.

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

(A) Intentional failure of user to accurately report the wastewater constituents and characteristics of his discharge;

(B) Failure of the user to report significant changes in operations or wastewater characteristics;

(C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(D) Violation of conditions of the permit.

³ ~~(2)~~ Connection to Public Sewer:

(a) Availability: At such time as sewer service becomes available to a property served by a private wastewater disposal system, a direct connection shall be made within thirty (30) days to the public sewer. The sewer shall be considered available when the first floor of the building above or on ground level can be served by the sewer line in accordance with the "Board's" Rules and Regulations or general practice and is within five hundred (500) feet of public sewer line. When sewer service is available, it will be presumed that the wastewater from the premises is discharged either directly or indirectly into the sewer, and the customer shall be billed a sewer service charge each month. However, if the making of connection is

delayed by the customer, the customer shall be subject to such charges thirty (30) days after sewer service is available. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned upon connection to the sewer system. An extension of time may be granted for good cause shown.

(b) Connections:

(1) Before excavating for sewer service, a permit must be obtained from the Board. A connection fee and a system user charge is required and must be paid in full before a permit is issued. The connection fee must be paid in full prior to the permit being issued. In lieu of payment in full of the system user charge, a subscriber upon proof of acceptable credit, may be allowed to enter into a promissory note upon terms and conditions set by the Board for the full payment of same but in no event shall any such promissory note be entered into without said promissory note being secured by a lien on the property serviced by said sewer.

(2) Initial connections to mains and trunk line sewers are to be made into a wye connector or other connection provided in the line. If for any reason a wye connector or other connection is not available, the connection to main or trunk will be made by the "Board".

(3) Building sewers (for connection of gravity sewers) shall conform to the following requirements:

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

(ii) All joints and connections shall be made water-tight.

(iii) The building sewer shall be laid at uniform grade on a continuous firm base and in straight alignment insofar as possible. A clean-out shall be provided outside and within five (5) feet of the wall, and be properly plugged. No bends greater than forty-five degrees (45°) will be permitted.

(iv) Four (4) inch building sewers shall be laid on a grade greater than or equal to one-eighth inch per lineal foot. Larger building sewers shall be laid on a grade that

will produce a velocity when flowing full of at least 2.0 feet per second.

(v) The interior of each length of pipe shall be made perfectly clean and free from off-sets, fins, and projections before the next length is connected.

(vi) Building sewers shall not be constructed closer than five (5) feet to any exterior wall, cellar, basement, or cistern, and depth shall be sufficient to afford protection from freezing.

(vii) Waste, gas service, electric service and building storm sewers, shall not be laid in the same trench as the building sanitary sewer.

(4) Building sewers (for connection to pressure sewer):

(i) The customer is required to furnish 220 volts (30 amp breaker or 30 amp time delay fuse) of electrical service to the outside wall closest to the grinder pump. Wire must be a minimum #10/3 wire with ground. Power must be left on year round whether the property is occupied or not.

(ii) The customer will construct a four (4) inch lateral from his home and connect it to the grinder pump unit. See section 18-104(2)(b)(3) for construction methods.

(iii) The Board will furnish and install a grinder pump unit. Routine maintenance of the grinder pump shall be the responsibility of the Board. Damages or malfunctions of such grinder pump units caused by misuse, abuse, negligence, or improper practices on the part of the customer shall be the responsibility of the customer. In such event, the Town shall not be responsible for any damages arising out of the malfunction or improper operation of such grinder pump units.

(5) Materials. Building sewer shall be constructed of a size not less than four (4) inches, nominal internal diameter and shall be of the materials listed below or other suitable material that is approved by the "Board".

(i) Clay pipe - A.S.T.M. Specifications C425 0-vitrified; clay pipe-extra strength premium joints.

(ii) Cast iron pipe - A.S.T.M. Specifications A74-42; cast iron solid pipe and fittings.

(iii) Plastic pipe - minimum wall thickness for all plastic pipe is 0.187" Schedule 40 and to meet A.S.T.M. specifications. Polyvinyl chloride (PVC) - extra strength - cemented joints; Acrylonitrik-Butadiene-Styrene (ABS) - Sewer pipe and fittings - extra strength - cemented joints.

(6) Installation and Testing. All pipe installation and testing shall be in accordance with all current applicable local, county and state plumbing codes.

(7) Checkvalve. A backwater check valve shall be installed in each building sewer where required by the Board.

(c) Inspection of connections: The sewer connection and all sewer laterals from the building to the sewer main line must be inspected and approved by an inspector of the Board before any underground portion is covered. In the event any portion is covered before said inspection is completed and approval is given, the customer may be fined up to Fifty Dollars (\$50) per day for each day the line or any portion thereof remains covered.

(d) Use and Maintenance of Sewer Laterals: Sewer laterals that have been previously used but have been abandoned due to the razing of building structure may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements of this chapter. All others must be sealed to the specifications of the Board. Each individual property owner or user of the wastewater control facilities shall be entirely responsible for the maintenance of the sewer lateral located on private property. This maintenance will include repair or replacement of the service line as deemed necessary to meet specifications of the Board.

(e) Private wastewater disposal: Were 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 section 18-104(6) of this chapter. A customer utilizing a private wastewater disposal system must apply for permission at the office of the Board and be duly approved before construction or reconstruction is commenced.

(3) Interruption of service: The "Board" 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 case of emergency the "Board" 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 "Board" and the wastewater control system.

(4) Discontinuance of service and refusal to connect service: The "Board" 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 chapter, Rules and Regulations, the customer's application and agreement for service, or the payment of any obligation due to the Board. Such right to discontinue service shall apply to all service received through a single tap or service, even though the delinquency or violation is limited to only one such customer or tenant. Discontinuance of service for any cause stated in this chapter shall not release the customer from liability for service already received or from liability from payments that thereafter become due under the minimum sewer service charge provisions or other provisions of the customer's agreement or this chapter. The "Board" 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 "Board" or has heretofore had his service disconnected because of a violation of this chapter or the Rules and Regulations of the "Board".

(5) Private domestic wastewater disposal system: The septic tank and disposal field shall be constructed or reconstructed only in locations which have been approved by the county health department after making such tests and examinations of the site as it 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 or about the surface of the ground or pollute the underground water supply. Plans and specifications for private wastewater disposal systems other than septic tanks and drain fields must be submitted to the Board for review for written approval.

(6) Commercial and industrial pretreatment:

(a) Criteria for pretreatment: Any wastewater discharge from a commercial or industrial user of the wastewater control system whose discharge violates the provisions set out in "Prohibited wastewater discharges" (section 18-104(7)(a)) of this chapter shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the customer. Any wastewater discharge from a commercial or industrial user of the wastewater control system which exceeds or causes to exceed any provisions set forth in "restricted wastewater discharge" (section 18-104(7)(a)) of this chapter shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the customer. Any commercial or industrial wastewater discharge exceeding only the "limitations on wastewater strength" (section 18-104(7)(c)) provision of this chapter may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the customer.

(b) Pretreatment facilities:

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

(2) Compliance schedule. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall have two years within which to install and place such facilities in operation but during said two year period, shall submit written progress reports to the "Board" not less than each six 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 circumstance beyond their control, this time may be extended by the "Board" for a period of time not exceeding the commencement of the operation of the new treatment system for time limits imposed by Federal Pretreatment Regulations.

(3) 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 "Board" and written approval for operation is issued to the customer by the "Board". The "Board" or its representative shall be allowed to inspect the work at any state of construction, and in any event, the applicant for the permit shall notify the "Board" when the work is ready for final inspection. In addition, the "Board" shall be allowed to make periodic inspections of the facilities in operation as it deems necessary. The "Board" may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the "Board" or its representative 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 "Board" 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 its discharge permit, then such user shall pay for any and all damages, including sampling and analytical costs.

(4) Maintenance of facilities. It shall be the responsibility of the customer to maintain all wastewater treatment or equalization facilities in good working order at all times. The Board 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 customer to repair and maintain all pretreatment facilities on a high priority basis.

(c) Monitoring facilities:

(1) All users who propose to discharge wastewater with constituents and characteristics different from normal domestic wastewater, shall be required to install a monitoring facility. (Monitoring Facility to be a manhole or other suitable facility approved by the "Board" which shall include a metering device with suitable accommodations for composite sampling.) When, in the judgment of the Board, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the "Board" may require that separate monitoring facilities be installed for each separate source of discharge.

(2) 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 measurements of wastewater produced by a user. If sampling or metering equipment is also required by the "Board", it shall be provided and installed at the user's expense. However, such sampling equipment shall be required by the "Board" only after sampling by the "Board" which established the existence of significant variations in concentrations or constituents of the user's discharge. Operation, maintenance, sampling, and testing shall be performed by the "Board" at the user's expense. Wastewater samples will be made available to the user if requested.

(3) The monitoring facility will normally be required to be located on the premise's outside of the building. The "Board"

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 and located so that it will not be obstructed by landscaping or parked vehicles.

(4) If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for "Board" personnel.

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

(d) Protection from accidental discharge: Each user shall provide protection from accidental discharge into the sewer of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the "Board" before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to meet the requirements of this chapter.

(e) Grease, oil and sand interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the "Board", they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the "Board" and shall be located as to be readily and easily accessible for cleaning and inspection.

(7) Discharge regulations: All users of the facilities of the wastewater control system 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 chapter shall be determined in accordance with the latest edition of "Standard Methods" available at the "Board's" office.

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

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

(2) No water or wastes shall be discharged to the public sewer in "slugs" whereby the flow rate or concentration of pollutants causes sufficiently sudden changes in the wastewater as it arrives at the Wastewater Treatment Plant to interfere with proper operation. Radioactive wastes or isotopes of such half-life or concentration that do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewage facilities or personnel operating the system are prohibited;

(3) Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the treatment system;

(4) Wastes with objectionable color not removable by treatment process;

(5) Oil and grease if concentration and dispersion results in separation and adherence to sewer structures and appurtenances in excess of normal domestic wastewater;

(6) Solid or viscous materials which may cause obstruction to the flow in a sewer or other interference with the operation of the

wastewater treatment facility such as, but not limited to, grease, garbage with particles greater than one half inch in any dimension, paunch, manure, bones, hair, hides, or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or other processing of fuel or lubricating oil, mud or glass grinding or polishing waste;

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

(8) Any wastewater having a pH less than 5.0 or higher than 9.5 or any wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel or the POTW;

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction to the POTW which exceeds 40°C (105°F);

(10) Wastes requiring more than 12 mg/l of chlorine, as measured by the Amperometric method, to produce a residual of 10.0 pm after a contact period of fifteen minutes;

(11) Wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable to treatment only to such degree that the sewage

treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

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

(13) Any substance which will cause the POTW, its NPDES and/or state Disposal System Permit or the receiving water quality standards to be violated.

(b) Restricted wastewater discharges:

(1) No person or user shall discharge wastewater which exceeds the following set of standards unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.

RESTRICTED WASTEWATER DISCHARGES*

<u>Constituents</u>	<u>Daily Average (1) Maximum Concentration (mg/l)</u>	<u>Instantaneous Maximum Concentration (mg/l)</u>
Antimony	1.0	2.0
Arsenic	1.0	2.0
Boron	2.0	4.0
Cadium	2.0	4.0
Chromium, Total	2.0	4.0
Copper	2.0	4.0
Cyanide	2.0	4.0
Lead	1.0	2.0
Mercury	0.1	0.2
Nickel	2.0	4.0
Slenium	1.0	2.0
Silver	2.0	4.0
Zinc	2.0	4.0
Chlorinated Hydrocarbons	10.0	20.0
Phenols	10.0	20.0
pH (units)	5.5	9.5
Surface Active Agents (as MBAS)	10.0	20.0
Non-biodegradable		
TD Solids	5000.0	5000.0
Oil & Grease	100.0	100.0
(Petroleum and/or mineral base) Temperature (°F)		150°

*Based upon 24 hour flow-proportional composite samples.

(2) Conditions set out below for the treatment plant influent must also be met which may require a reduction of values set out for individual discharges:

"PROTECTION CRITERIA"*

<u>Constituent</u>	<u>Maximum Concentration (mg/l)</u>
Antimony	0.1
Arsenic	0.1
Boron	1.0
Cadium	0.2
Chromium, Total	0.2
Copper	0.2
Cyanide	0.1
Lead	0.1
Mercury	0.01
Nickel	0.2
Selenium	0.1
Silver	0.1
Zinc	1.0
Chlorinated Hydrocarbons	5.0
Phenols	4.0
Temperature (°F)	100
pH units)	6-9

*No statement in this chapter is intended or may be construed to prohibit the Board from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or

destructive to the facilities of the wastewater control system, or to create a public nuisance, or to cause discharge of the wastewater control system to violate effluent or stream quality standards, 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 Public Health and/or United States Environmental Protection Agency.

(c) Limitations on wastewater strength: It is the intent of this chapter to regulate all discharge of compatible wastes in excess of normal domestic wastewater, the major parameters as determined by 24 hour composite samples, shall be as follows:

<u>Constituent</u>	<u>Daily Average Concentration (mg/l)</u>
BOD	250
SS	250
Oil & Grease (animal and/or vegetable base)	100
Nitrogen, total	40

(d) Exceptions to discharge criteria: Non-residential users of the wastewater control system may apply for a temporary exception to the restricted and regulated wastewater discharge criteria listed in sections 18-104(7)(b) and (c) of this chapter. Exceptions can be granted according to the following guidelines subject to the appeals procedure provided in Section 18-106(4).

(1) All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the "Board" upon a reasonable notice.

(2) The user requesting the exception must demonstrate to the "Board" that he is making a concentrated and serious effort to maintain high standards of operation and control and housekeeping levels, etc., so that discharges to the wastewater control system are being minimized. If negligence is found, permits will be subject to termination.

(3) The user requesting the exception must demonstrate to the "Board" that the concentration and quantity standards are technically or economically unfeasible and the discharge

if exempted, will not:

(i) Interfere with the normal collection and operation of the wastewater control 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.

(4) The user must show that the exception, if granted, will not cause the user to violate federal pretreatment standards.

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

(6) At such time that the levels of pollutants must be reduced because of violations of any of the provisions of (3) above, 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 accordance with their contribution to the system.

(e) Relaxation of discharge criteria: The "Board" shall, to the maximum extent feasible, recommend a relaxation of criteria established in this chapter 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.

(8) 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 excreta disposal system into the POTW unless such person, firm, association or corporation obtains a permit from the "Board" 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 "Board" when the conditions of this chapter have been met and providing the "Board" 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 chapter an annual service charge therefor shall be paid to the Board to be set as specified in section 18-105, Schedule of Rates and Charges. 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 non-transferable. 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 "Board" 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 other place other than the place so designated.

(d) Discharge criteria: All waste discharged into the system by wastewater disposal services shall meet discharge regulations and restrictions as stated in section 18-104(7) of this chapter.

(e) Revocation of permit: Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the "Board". The possession within the service area of the system or the town limits of Mount Carmel by any person or any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a septic tank or wastewater 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 excreta disposal systems.

(9) Charges and billings:

(a) Wastewater service charge: The wastewater service charge or sewer service charge for normal domestic wastewater is based on the water discharged to the wastewater control system 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 used. The basic wastewater service charge shall be determined upon the metered flow and at rates as provided for in section 18-105 of this chapter or by separate ordinance of the Town.

(b) Users who discharge or cause to be discharged extra strength wastes into the sewer system in accordance with the provisions of this chapter with an appropriate permit therefor will be subject to a surcharge to compensate the wastewater control system 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 provisions of section 18-105 or separate ordinance of the Town. Users who discharge extra strength wastes without a permit shall be subject to the provisions of section 18-106 of this chapter.

(c) Sampling, flow monitoring, and analysis: Users who are required by the "Board" to have sampling and flow monitoring devices installed (temporary or permanent) or who choose to have flow monitoring device(s) installed in order to measure actual amounts of wastewater discharged shall be charged to compensate the "Board" for operating and maintaining equipment and for performing analytical tests on their discharge. The charge will be assessed in accordance with provisions of section 18-105 or separate ordinance of the Town.

(d) Billing: The billing for sewer service charge shall consist of a minimum wastewater service charge with rates as specified by the "Board", and approved 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.

(1) Minimum charges. Where the sewer service charge is computed directly, the minimum charge will be as stated in the schedule of rates and charges as established by the Board and approved by the Town.

(2) 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 "Board" reserves the right to render an estimated bill based on the best information available. The "Board" also reserves the right to require metering of any water discharged into the sewer system.

(3) Supplemental water supply. In the event that any customer uses water from a source other than the public water supply, for any purpose other than for sprinkling lawns and/or gardens, or other use with no discharge into the wastewater control system, the customer must install or have installed according to the "Board's" specifications and maintain a supplementary meter to measure the amount of water so used and the amount so computed in determining the wastewater service charge.

(4) Adjustments and corrections of errors. Such adjustments to billing for over or under registration of meters, leaks, for the determination of water use by the 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 "Board", may be accepted by the "Board" and such adjustment for water use may be applied in obtaining the indicated adjusted billing of sewer charges. All other requests for adjustments of sewer charges must be made to the "Board". Any adjustment or decision must be authorized by the "Board" before being made to the customer affected thereby. This function may be delegated by the Board pursuant to contract.

(5) Exemptions. Claims for exemption from the sewer service charge because of nonavailability of sewers may be made by giving the "Board" the customer's account number. Exemptions from the charge may be retroactive to the commencement date of the sewer service charge or the date of nonavailability subject to approval

by the Board.

18-105. Wastewater charges and fees.

(1) Purpose of charges and fees: A schedule of charges and fees shall be adopted by the Board which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the "Board'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, depreciation, and equitable industrial cost recovery of EPA administered federal grants, as follows:

(a) The "Board" shall make a monthly sewer service or wastewater service charge as set forth herein;

(b) Each time a new customer is made, an accounting fee shall be charged to defray the expenses of adding that customer's name and address to the billing system;

(c) The "Board" shall charge a fee for connection to the sewer service system designed to defray the expenses incurred in connection to the system from the customer's private property;

(d) The "Board" shall charge a system user fee designed to defray the costs of operation, maintenance, and capital improvements of the wastewater control system.

(e) The "Board" may charge for inspection of connections.

(2) Classification of users: All users are to be classified by the Board either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, 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 "Board's" cost.

(3) Type of charges and fees: The charges and fees as established in the "Board's" schedule of charges and fees, may include, but not be limited to:

- (a) Users classification charges
- (b) Fees for monitoring, maintenance, and analysis
- (c) Fees for permits
- (d) Surcharge fees
- (e) Discharge permit fees
- (f) Inspection fees
- (g) Sewer service charge
- (h) Accounting charge
- (i) System user charge

(4) Basis for determination of charges: Charges and fees may be based upon a minimum basic charge for each premises, computed on the basis of "normal domestic wastewater".

(5) Computation and assessments: The computation of an assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges will be subject to the appeals procedure provided in this chapter.

(6) Approval by Board of Mayor and Aldermen: Once initially set by the "Board" all charges and fees (increases or decreases) shall be approved by a majority vote of the Board of Mayor and Aldermen before becoming effective.

18-106. Enforcement.

(1) Accidental discharges:

(a) Notification of discharges.

(i) Users shall notify the "Board" immediately upon accidentally discharging wastes in violation of this chapter to enable countermeasures to be taken by the "Board" to minimize damage to the sewer, treatment facility, treatment processes, and the receiving waters.

(ii) 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 occurrences.

(iii) Such notification will not relieve users of liability for any expenses, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the "Board" on account thereof under state and federal law.

(b) Notice to employees: In order that employees of users be informed of the "Board's" requirements, users shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the "Board" 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 chapter.

(c) Preventive measures: Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated.

(2) Issuance of cease and desist orders: When the "Board" finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the "Board" shall issue an order to cease and desist and that these persons or users 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 "Board";

(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.

(3) Submission of time schedule: When the "Board" finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or provisions of a wastewater discharge permit, the "Board" 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.

(4) Hearings/Appeals:

(a) Except in those emergency situations as provided for in section 18-107, the "Board" 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 non-payment.

(b) Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the "Board" interpreting or implementing the provisions of this chapter or in the granting or refusing of any permit issued hereunder, may file with the "Board" a written request for reconsideration within ten days of such decision, action, or determination setting forth in detail the facts supporting the user's request for reconsideration. The "Board'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 Sewer Regulations Appeals Board.

(c) If the ruling made by the "Board" is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of the action, file a written appeal to the Sewer Regulation Appeals Board. The written appeal shall be heard within fifteen days of the close of the meeting as set forth in section 18-108 of this chapter. The decision, action, or determination of the Sewer Regulation Appeals Board shall be final. The decision of the Sewer Regulation Appeals Board shall remain in effect during the pendency of an appeal to a court of competent jurisdiction unless the same is modified or suspended by a court of competent jurisdiction after notice and an evidentiary hearing.

(5) Scope of review by Sewer Regulation Appeals Board (the Board of Mayor and Aldermen):

(a) Review of actions or decisions other than the refusal of applications for exceptions and/or conditions on discharge permits

shall be to determine whether or not the decision, action or determination made by the "Board" is reasonable and necessary to protect the POTW and/or to effectuate the provisions of this chapter.

(b) Review of actions involving refusal of applications for exceptions and/or conditions on discharge permits shall be to determine whether or not the party appealing said decision has met the conditions prescribed in section 18-104. In making this determination, the Sewer Regulation Appeals Board may consider the following:

(1) The cost of pretreatment or other types of control techniques which could be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting a variance;

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

(3) The process employed by the user and process changes available which would effect the quality or quantity of wastewater discharged;

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

(6) Notice to user: Notice of a discharge in violation of this chapter shall be served on the owner, user, and/or permit holder by certified mail, return receipt requested, and should notice be returned unclaimed, then notice by any other means of communication that the Town has available to notify the party of said violation and the need for corrective action shall be appropriate.

18-107. Abatement.

(1) Public nuisance: Discharge of wastewater in any manner in violation of this chapter or of any order issued by the "Board" as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the "Board". Any person creating a public nuisance shall be subject to the provisions of the Town of Mount Carmel codes or ordinances governing such nuisance.

(2) Correction of violation: In order to enforce the provisions of this chapter, the "Board" may correct any violation thereof. The cost of such correction shall be added to any sewer charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred, and the Town of Mount Carmel shall have such remedies for the collection of such costs as it has for the collection of any sewer charges.

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

(4) Injunction: Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the "Board" may petition the circuit or chancery court for the issuance of a temporary restraining order, preliminary or permanent injunction, or both, as may be appropriate in restraining and prohibiting the continuance of such discharge.

(5) Termination of service: In order to effect its powers, the "Board" may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property on which or from which a violation of any rule or regulation of this chapter is found to exist. Prior to termination of service, however, the "Board" shall notify, in writing, the owner and/or tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided, if necessary.

In the event of an emergency that, in the opinion of the "Board" or its representative threatens harm to the facilities or endangers the public health, the "Board" or its representative 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 "Board" on said termination within 24 hours to allow the user an opportunity to demonstrate to the "Board" that the emergency situation has been abated or corrected and the danger to the facilities or public health no longer exists.

(6) 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 or performance, pretreatment or toxicity standard, shall be liable civilly. Said civil liability may be in a sum not to exceed ten thousand (\$10,000) dollars for each day in which such violation occurs.

The "Board" 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 violation, the length of time over which the violation occurs, and the corrective action, if any.

(7) Penalties: Any person who shall continue any violation beyond the time limit specific by the "Board" shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not more than fifty dollars (\$50) for each violation. Each day in which a violation shall occur or continue shall be deemed separate offense.

(8) Falsifying of information: Any person or user who knowingly makes any false statement, representation, record, report, plan or other document filed with the "Board" or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, is hereby declared to be in violation of this chapter, and subject to the civil liabilities imposed under Subsection (6) above.

18-108. Sewer Regulation Appeals Board.

(1) The Board of Mayor and Aldermen shall serve as the Sewer Regulation Appeals Board.

(2) Powers. The Sewer Regulation Appeals Board shall have the following powers:

(a) To conduct hearings on appeals from decisions of the "Board" in actions taken under and pursuant to this chapter.

(b) The Sewer Regulation Appeals 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 it on its own initiative or upon application of the parties.

(c) The mayor, vice-mayor or mayor pro tem shall be authorized to administer oaths. All testimony shall be under oath.

(d) To prescribe such rules and regulations for its convening, the conduct of hearings, and all matters pertaining to and in furtherance of the authority and power herein granted.

18-109. Miscellaneous provisions:

(1) Power and authority of inspectors:

(a) Entry on private property: Duly authorized employees of the "Board" 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 chapter. The "Board" or its representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, leather tanning 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.

(b) Safety: While performing the necessary work on private properties referred to in the above paragraph, the Board or duly authorized employees of the "Board" shall observe all safety rules applicable to the premises established by user and the user shall be held harmless for injury or death to the "Board" employees and the "Board" shall indemnify the user against loss or damage to its property by "Board" employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

(c) Easement: The "Board" and other duly authorized employees of the "Board" bearing proper credentials and identification shall be permitted to enter all private properties through which the "Board" holds a duly negotiated easement for the purposes of inspection, observation, measurement, 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.

(2) Rules and regulations: The "Board" is authorized to make, promulgate, alter, amend, or repeal such rules and regulations as are reasonably necessary to control the use and operation of the wastewater control system. The violations of any such rules and regulations shall constitute a violation of this chapter.

(3) Public sewer specifications: All public sewers connected to the wastewater control system shall be constructed in accordance with the "Board's" specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers imposed or as may be imposed by the Tennessee Department of Public Health and/or the United States Environmental Protection Agency.

(4) EPA Access: EPA and their representatives will be allowed access to all portions of the public sewer system (including that which is located on private property) for such purposes as inspection and monitoring of construction, operation, maintenance, rehabilitation and replacement.

18-110. Manager designated as Board representative.

The chairman shall serve as Manager and is authorized and empowered to act as the designated representative of the Board to make any and all decisions on behalf of the Board subject to ratification by the Board.

18-111. Board of Public Utilities.

(1) "Board appointment": The "Board" shall consist of five (5) members, who shall have custody, administration, operation, maintenance, and control of the sewer system. Four of the five members shall be property holders, who are and have been residents of the town for not less than one (1) year next preceding the date of appointment. One member of the "Board" shall also be a member of the Board of Mayor and Aldermen and such member's term shall never extend beyond his term of office on such governing body of the municipality. All members of the Board shall be appointed by the Mayor subject to the advice and consent of the Board of Mayor and Aldermen.

(2) "Terms of Office": The original appointees are to serve from date of appointment for one (1), two (2), three (3), and four (4) years, respectively, from the next succeeding July 1. Each successor to a retired

member of the "Board" shall be appointed for a term of five (5) years in the same manner, at the next regular meeting of the governing body of the town in June next preceding the expiration of the term of office of the retiring member. Appointments to complete unexpired terms of office, vacant for any cause, shall be made in the same manner as original appointments.

(3) "Bond, Oath, Officers of Board, Meetings, and Compensation":

(a) Each member shall qualify by taking the same oath of office as required for governing officials of the town. Within ten (10) days after appointment and qualification of members, the "Board" shall hold a meeting to elect a chairman, and designate a secretary, and treasurer or a secretary-treasurer who need not be a member or members of the board and fix the amount of the surety bond which shall be required of such treasurer and shall fix his compensation. The "Board" shall hold public meetings at least once per month, at such regular time and place as the "Board" may determine. Changes in such time and place of meeting shall be made known to the public as far in advance as practicable. Except as otherwise expressly provided, the "Board" shall establish its own rules of procedure.

(b) All members of the "Board" shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the "Board", including an allowance of not to exceed one hundred dollars (\$100.00) per month for attendance at meetings. Such expenses as well as the salaries of the secretary and treasurer, or secretary-treasurer, shall constitute a cost of operation and maintenance.

(4) "Removal from Office": Any member of the "Board" may be removed from office for cause, but only after preferment of formal charges and trial before a court of proper jurisdiction. Charges may be preferred by resolution of the governing body of the town by any member of the "Board", or by a petition signed by two percent (2%) or more, but not less than twenty-five (25) in number, of the owners of property served by the works.

(5) "Powers of Board": The "Board", constituted and appointed as provided herein and herein referred to as the "Board", shall have power to take all steps and proceedings and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the

execution of its powers under this part subject only to limitations on matters requiring approval by the governing body of the town. From and after its first meeting, the "Board" shall act in an advisory capacity to the governing body of the town in all matters pertaining to the financing of the enterprise and the acquisition of any or all parts of the proposed works or extensions thereto by purchase, condemnation or construction, and it shall be its duty to collect and furnish all necessary data and information, and to recommend such appropriate action by the governing body as may appear to the "Board" to be necessary from time to time. Subject to and after approval by the governing body of the town, the "Board" shall have power and it shall be its duty to proceed with all matters pertaining to construction, extensions, improvements and repairs necessary to proper completion of the works. After completion and acceptance of the works by the "Board", and approval of such acceptance by the governing body of the town, the "Board" shall have the power and it shall be its duty to proceed with all matters and perform everything necessary to the proper operation the works and collection of charges for service rendered, subject only to the limitation of funds available for operation and maintenance. To this end the "Board" may employ such employees as in its judgment may be necessary and may fix their compensation, all of whom shall do such work as the "Board" shall direct. The "Board" shall have power to employ engineers and attorneys whenever in its judgment such services are necessary.

(6) "Records and Reports": The Board shall keep a complete and accurate record of all meetings and actions taken, receipts and disbursements, and shall make reports of same to the governing body of the town, at stated intervals, not to exceed one (1) year. The reports shall be in writing, and in open meeting of the governing body of the town, and a copy filed with the City Recorder.

(7) "Rates and Charges": The governing body of the town shall have power, and it shall be its duty, by ordinance to establish and maintain just and equitable rates and charges for the use of and the service rendered by such sewerage system, to be paid by the beneficiary of the service. Such rates and charges shall be adjusted so as to provide funds sufficient to pay all reasonable expenses of operation, repair, and maintenance, extension, provide for a sinking fund for payment of principal and interest of bonds or notes when due, and maintain an adequate depreciation account, and

they may be readjusted as necessary from time to time by amendment to the ordinance establishing the rates then in force. Any upward adjustment of rates and charges for sewage services shall not be granted solely on the basis of increases of rates and charges for water services, but shall be made only after a finding by the governing body that such an adjustment is reasonable and justified. A copy of the schedule of such rates and charges so established shall be kept on file in the office of the "Board" having charge of the operation of such works, and also in the office of the City Recorder, and shall be open to inspection by all parties interested.

LEGAL STATUS PROVISIONS

A. Conflict With Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mt. Carmel, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

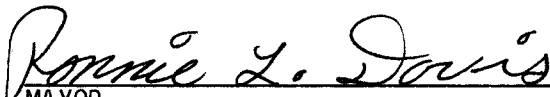
C. Effective Date

This ordinance shall take effect and be in force from and after its passage, the public welfare requiring.

Passed 1st Reading 11-14-91

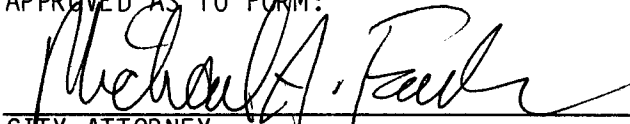
Passed 2nd Reading 12-19-91

Passed 3rd Reading 12-26-91


MAYOR


CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY