

**Ordinance No. \_\_\_\_\_**

**An Ordinance to Adopt Wastewater Regulations**

WHEREAS, the city has an ongoing public health issue because of failing septic tank drain fields; and

WHEREAS, the city desires to correct this public health issue by establishing a public sanitary sewer system; and

WHEREAS, the city has secured financing to construct said public sanitary sewer system; and

WHEREAS, owning and operating a public sanitary sewer system necessitates the adoption of rules and regulations to protect public health and environment; protect property values; facilitate economic activity; and provide reliable sanitary sewer service.

NOW, THEREFORE BE IT ORDAINED by the city council of the City of Eagleville, that the following chapters 1, 2, 3, and 4, collectively the Sewer Use Ordinance, is hereby adopted in its entirety as follows:

**Sewer Use Ordinance**

**Chapter 1  
In General**

**1-1. Application and scope.** The provisions of this ordinance are a part of all contracts for receiving sanitary sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

**1-2. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

"*Application fee*" means the fee paid by a customer seeking sanitary sewer service.

"*Building sewer*" means the pipe line extending from the customer dwelling to the STEP tank.

"*Capacity evaluation fee*" means the fee paid by a customer when an engineering evaluation is required by the city to determine equipment needs and system capacity to accept the waste stream of the customer.

"*Capacity fee*" means a fee assessed on a one time basis when a customer desires to connect to the sanitary sewers system. The fee pays for capital improvements associated with the construction, expansion, and improvement of the sewer system.

"*City*" shall mean the City of Eagleville, Tennessee.

"*Customer*" means any person, firm, corporation, or other legal entity receiving sanitary sewer service from the city under either an express or implied contract, or any party desiring

sanitary sewer service prior to service being established.

"*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.

"*Owner*" means the owner or owners of record of the property for which sewer service is available or served.

"*Manager*" means the city manager or his designated representative.

"*Sewer service line*" means the force main that connects the STEP tank to the check valve/valve box at the right-of-way.

"*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.

"*STEP service*" or "*STEP service equipment*" means equipment installed on private property including a watertight septic tank (STEP tank), pump, controls, electrical lines and disconnect, building sewer, sewer service line, and related appurtenances.

### **1-3. Application and contract for service.**

- (a) A customer desiring sanitary sewer service shall be required to sign a standard form service agreement.
- (b) A customer shall pay an (i) application fee, (ii) capacity fee, and as appropriate, a (iii) capacity evaluation fee, as set forth below. If, for any reason, the customer, after signing a contract for service does not take such service by reason of not occupying the premises or otherwise, then in that event the capacity fee shall be refunded. If capacity is determined to not be available to serve the customer, the application fee and the capacity fee shall be refunded. The receipt of an application for service shall not obligate the city to render sewer service.
- (c) Customers desiring service to non-residential dwellings shall furnish information about all waste producing activities, wastewater characteristics and constituents to facilitate capacity evaluations. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager.
- (d) Customers shall be required to pay a non-refundable capacity evaluation fee if engineering services are required by the manager to determine equipment size and system capacity to accept wastewater from that customer.

### **1-4. Connection fee; easements.**

- (a) Before sanitary sewer service is established, a non-refundable connection fee shall be paid.
- (b) Any easements necessary for the city to properly operate the public sewer system, as required by the manager, shall be provided.

**1-5. Physical connection to public sewer.** No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance structure thereof. The city shall make all connections to the public sanitary sewer upon the customer complying with the requirements set forth in Sections 1-3 and 1-4. Prior to backfilling by the customer, the manager will inspect the STEP system equipment installation.

**1-6. Sewer system extension, private cost.**

- (a) A customer desiring sanitary sewer service at a location not served by the public sanitary sewer system shall pay all costs of extending the public sewer system to the desired property, including all mains, lift stations and appurtenance structures, to a point approved by the manager. Such sewer system improvements shall be installed either by city forces or by other forces working under the supervision of the manager in accordance with plans and specifications, paid by the customer and subsequently approved by the manager, as prepared by an engineer registered with the State of Tennessee and according to the latest version of Tennessee Design Criteria for Sewerage Works. Upon completion of such sewer improvements and upon acceptance by the city, such sewer improvements shall become the property of the city. In consideration of the sewer improvements being transferred to it, the city shall incorporate the same as an integral part of the municipal sanitary sewer system and shall furnish sewer service therefrom in accordance with these rules and regulations.
- (b) Nothing herein shall require the city to approve the extension of the public sanitary sewer system to a location not currently served.

**1-7. Sewer system extension, public cost.** When, in the judgment of the city that it is in the best interest of the city to participate in the cost of a public sanitary sewer system extension, such improvement may be constructed upon such terms and conditions as shall be approved. The authority to make such improvements is permissive only and nothing contained herein shall be construed as requiring the city to make such public sanitary sewer extensions or to furnish service to any person.

**1-8. Multiple services through a single STEP Tank.** No owner or customer shall supply sewer service to more than one discrete dwelling unit, business, or user without providing an appropriate technical evaluation of STEP service equipment necessary to provide such multiple-user service, and obtaining the written authorization of the manager. When so approved by the manager, each discrete dwelling unit, business, or user shall be handled as an individual customer for sewer service rates and charges.

**1-9. Termination of service by customer.** Sanitary sewer service shall be discontinued within two business days of notification from the customer. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under any contract for service.

**1-10. Access to customer premises.** The manager shall be granted access to customer premises at all reasonable times for the purpose of testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customer plumbing and premises in order to secure compliance with these rules and regulations.

**1-11. Inspections.** The manager shall have the right, but shall not be obligated, to inspect any sewer system installation or plumbing system before sewer service is furnished, or at any later time following installation. The city reserves the right to refuse service or to discontinue service to any premise not in compliance with any special contract, rule, regulation, or other requirement

of the city. A failure to inspect a customer installation or plumbing system shall not render the city liable for any loss or damage had such inspection been made.

**1-12. Change in wastewater constituents.** Customers shall notify the city of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the system a minimum of sixty (60) days prior to the change. The manager may deny, limit, or terminate service for any new introduction or change based upon the information submitted in the notification.

**1-13. Private water supply.**

- (a) Customers without a metered, public water supply shall install on the private water supply source a water meter, approved by the manager as to type and location, for billing purposes. An easement to the meter location shall be granted to the city. The water meter shall remain the property of the customer but shall be available for inspection and testing of the manager at any time. A customer shall repair or replace a defective meter upon notification of the manager within thirty (30) days.
- (b) At the discretion of the manager, a meter may be installed on the sewer service line.

**1-14. Unauthorized use of or interference with sewer system.** No person shall turn on or off any city valve or otherwise tamper with city sanitary sewer system equipment, pipes or appurtenances, without permission of the manager.

**1-15. Interruption of service.** The city will endeavor to furnish continuous sanitary sewer service, but does not guarantee continuous service. The city shall not be liable for any damage resulting from an interruption of service. In connection with the operation, maintenance, repair, and extension of the municipal sanitary sewer system, the city 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.

**1-16. Customer responsibility for violations.**

Where the city furnishes 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 violation shall not be necessary to impose such personal responsibility on him.

**1-17. Schedule of rates; failure to connect; regulatory fine.**

- (a) Sewer service shall be furnished under such rate schedules as the city may adopt and amend from time to time by ordinance.
- (b) The failure of the owner to install a STEP system and connect to the public sanitary sewer as set forth in Sec. 2-3(d) shall not relieve the owner of the financial responsibility of paying sewer charges, which shall be billed as if the owner was connected.
- (c) If the city receives regulatory fines related to equipment failure and sewage overflows caused by owner or customer misuse or negligence of equipment, all such fines shall be passed on to the responsible party.

## Chapter 2 General Wastewater Regulations

**2-1. Purpose and policy.** This chapter sets forth uniform requirements for users of the city sanitary sewer system and enables the city to comply with the Federal Clean Water Act and the state Water Quality Control Act and rules adopted pursuant to these acts. The objectives of this chapter are:

- (1) To protect public health,
- (2) To prevent the introduction of pollutants into the municipal sewer treatment facility and interfere with the system operation;
- (3) To prevent the introduction of pollutants that will pass through the treatment facility, inadequately treated, into the receiving waters, or otherwise be incompatible with the treatment facility;
- (4) To protect facility personnel who may be affected by wastewater and sludge in the course of their employment, as well as the general public;
- (5) To promote reuse and recycling where applicable; and
- (6) To enable the city to comply with its State Operating Permit, and any other federal or state rules to which the facility is subject.

In meeting these objectives, this chapter provides that all persons in the service area of the city must have adequate sewer treatment either in the form of a connection to the municipal sewer system or, where the system is not available, an appropriate private disposal system. This chapter shall apply to all users inside or outside the city who are, by implied contract or written agreement with the city, dischargers of applicable wastewater to the POTW.

**2-2. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:

*"Best Management Practices"* or *"BMP"* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 109 of this chapter. BMPs also include treatment requirement, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

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

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

*"Composite sample"* means a sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

*"Cooling water"* means the water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

*"Domestic wastewater"* means wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing

sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

"*Garbage*" means solid wastes generated from any domestic, commercial or industrial source.

"*Grab sample*" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and is collected over a period of time not to exceed fifteen (15) minutes. Grab sampling procedure: Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results.

"*Grease trap*" means an interceptor whose rated flow is 50 gpm (gallons per minute) or less and is generally located inside the building.

"*Grease interceptor*" means an interceptor whose rated flow is 50 gpm or more and is located outside the building.

"*Holding tank waste*" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

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

"*Indirect discharge*" means the introduction of pollutants into the WWF from any non-domestic source.

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

"*Interceptor*" means a device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

"*Interference*" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

"*May*" means permissive.

"*Pass-through*" means a discharge which exits the Wastewater Facility (WWF) into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's NPDES permit including an increase in the magnitude or duration of a violation.

"*Person*" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

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

"*Pollution*" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"*Pollutant*" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, BOD, COD, toxicity, or odor discharge into water).

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

"*Publicly owned treatment works* or "*POTW*" means a treatment works as defined by Section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. See WWF, Wastewater Facility, found in definition number 50, below.

"*Slug*" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the WWF's regulations, local limits, or Permit conditions.

"*State*" means the State of Tennessee.

"*Storm sewer or storm drain*" means a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

"*Storm water*" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

"*Surcharge*" means an additional fee assessed to a user who discharges compatible pollutants at concentrations above the established surcharge limits. Surcharge limits are the level at which the permit holder will be billed higher rates to offset the cost of treating wastewater which exceeds the surcharge limits. Exceeding a surcharge limit but not a Monthly Average or Daily Maximum limit will not result in enforcement action.

"*Suspended solids*" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

"*Toxic pollutant*" means any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

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

"*User*" means the owner, tenant or occupant of any lot or parcel of land connected to a

sanitary sewer, or for which a sanitary sewer line is available if a municipality levies a sewer charge on the basis of such availability, Tennessee Code Annotated, § 68-221-201.

"*Wastewater*" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the WWF.

"*Wastewater Facility*" of "WWF" means any or all of the following: the collection/transmission system, treatment plant, and the reuse or disposal system, which is owned by any person. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a WWF treatment plant. The term also means the municipality as defined in section 502(4) of the Federal Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. WWF was formally known as a POTW, or Publicly Owned Treatment Works.

"*Waters of the state*" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof.

### **2-3. Proper waste disposal required.**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter or city or state regulations.
- (c) Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.
- (d) Except as provided in (g) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the expense of the owner to install suitable toilet facilities therein, and to connect such facilities directly with the proper private or public sewer in accordance with the provisions of this chapter. Where public sewer is available, a property owner shall within sixty (60) days after notice from the manager connect to the public sewer. Service is considered available when a public sewer main is located in an easement, right-of-way, public access way, or road which abuts the property. A public sewer located on the far side of a road is deemed available for these purposes.
- (e) Discharging into the sanitary sewer without permission of the city is strictly prohibited and is deemed theft of service.
- (f) Where public sewer is available, new construction shall connect to it even when an existing septic tank and drain field is available.
- (g) Where a public sanitary sewer is not available under the provisions of (d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 2-4.
- (h) The owner of a manufacturing facility may discharge wastewater to the waters of the



state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

#### **2-4. Unavailability of public sewer.**

- (a) Where a public sanitary sewer is not available, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the applicable local and state regulations.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary to clean septic tanks, the sludge may be disposed of only according to applicable federal and state regulations.
- (c) The type, capacity, location and layout of a private sewerage disposal system shall comply with all local and state regulations. Before commencement of construction of a private sewerage disposal system, the owner shall first obtain a written approval from the county health department.
- (d) Approval for a private sewerage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, who shall be allowed to inspect the work at any stage of construction.
- (e) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of the state.
- (f) No statement contained in this section shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

#### **2-5. STEP wastewater systems; ownership; prohibited uses.**

- (a) Where a public sanitary sewer is available, the owner shall install a septic tank effluent pump (STEP) system according to the regulations of the city, which shall include a tank of water tight construction with a minimum capacity of 1,000 gallons, or larger, as determined by the manager. Connection to the public sanitary sewer shall only be made after inspection and approval of the manager.
- (b) The location of tanks, pumps, lines, and other equipment shall be subject to the approval of the manager. Installation shall follow design specifications as provided by the city.
- (c) With the exception of the check valve/valve box which shall be owned and maintained by the city, all other equipment from that point on the property shall be installed and owned by the owner including, but not limited to electrical service connections, alarms, tanks, pumps, and building and sewer service lines.
- (d) The following uses are prohibited:
  - a. Connection of roof guttering, sump pumps, or surface drains (see Sec. 2-7).
  - b. Disposal of toxic household substances.
  - c. Use of garbage grinders or disposers.
  - d. Discharge of pet hair, lint, or home vacuum water.
  - e. Discharge of fats, grease, and oil.
  - f. Discharge of cat litter or similar absorbent solids.
  - g. Discharge of nonwoven fabric wipes whether labeled “flushable” or not.

**2-6. Maintenance of STEP systems.**

- (a) The owner shall be responsible for the proper care, maintenance, repair and replacement of STEP equipment, including the periodic removal of solids from the tank.
- (b) The manager may inspect the facilities of any user to ascertain whether the provisions of this ordinance are being met.

**2-7. Prohibited connections.** No person shall make connections of roof downspouts, sump pumps, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a STEP system, building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which exist shall be completely and permanently disconnected within sixty (60) days of notice from the manager. The owners of any building sewer having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground water shall be separate from the sanitary sewer.

**2-8. Trucked in waste.** No trucked in waste shall be disposed into the wastewater system.

**2-9. Discharge regulations.**

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interference. These general prohibitions apply to all such users of the sewer system whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Violations of these general and specific prohibitions or the provisions of this section may face discontinuance of sewer service and other penalties and provisions. A user may not contribute the following substances to the sewer system:
  - (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to the operation of the WWF. Prohibited flammable materials including, but not limited to, waste streams with a closed cup flash point of less than 140<sup>0</sup> F or 60<sup>0</sup> C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, diesel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and other flammable substances.
  - (2) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the WWF.
  - (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, waste from animal slaughter, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, glass grinding, polishing wastes, or nonwoven fabric wipes whether labeled "flushable" or not.
  - (4) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a

flow rate and/or pollutant concentration which will cause interference to the WWF.

- (5) Any wastewater having a temperature which will inhibit biological activity in the WWF treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the WWF which exceeds 40°C (104° F) unless approved by the State of Tennessee.
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin or synthetic oil in amounts that will cause interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems.
- (8) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the WWF, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (9) Any trucked or hauled pollutants.
- (10) Any substance which may cause the WWF's effluent or any other product of the WWF 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 WWF cause the WWF to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (11) Any substance which will cause the WWF to violate its NPDES Permit or the receiving water quality standards.
- (12) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (13) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.
- (14) Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
- (15) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (16) Any waters or wastes containing animal or vegetable fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.
- (17) Detergents, surfactants, surface-acting agents or other substances which may cause excessive foaming at the WWF or pass through of foam.
- (18) Wastewater causing, alone or in conjunction with other sources, the WWF to fail toxicity tests.

- (19) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the city and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.
- (20) Water from the process of commercial car washing regardless of the style or type of that car washing process without an engineering capacity evaluation and written permission from the city.
- (b) In addition to the general and specific prohibitions listed in this section, users may be subject to additional restrictions to their wastewater discharge in order to protect the WWF from interference or protect the receiving soils and/or groundwater from pass through contamination.

### **Chapter 3** **Fat, Oil, and Grease Regulations**

**3-1. Control of fat, oil, and grease.** The city encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fat, oil, and grease that is poured, drained or washed down drains into the sanitary sewer system.

**3-2. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings hereinafter designated:

“*Additives*” means products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganic or organic in origin.

“*Best Management Practices*” or “*BMP*” means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this ordinance.

“*Fat, Oil, and Grease*” or “*FOG*” means the organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the Hexane Extractable Material test is to be used or an equivalent 40 CFR 136 approved method.

“*Food Service Establishment*” or “*FSE*” means 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 a FSE at the discretion of the manager. FSEs are classified as follows:

**Class 1:** Delis-engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by the North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.

**Class 2:** Limited-service restaurants (a.k.a. fast food facilities) as defined by NACIS 722513, except fast food with a food line that is heavily fried and a

history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.

**Class 3:** Full service restaurants as defined by NACIS 722110.

**Class 4:** Buffet and cafeteria facilities as defined by NACIS 72212.

**Class 5:** Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.

*“Grease, Brown”* means fats, oils, and grease that are discharged to the grease control equipment.

*“Grease, Yellow”* means fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

*“Grease Control Equipment”* or *“GCE”* means a device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices.

*“Grease Interceptor”* means an interceptor whose rated flow exceeds 50 gallons per minute (gpm) and is located outside the building.

*“Grease Trap”* means an interceptor whose rated flow is 50 gpm or less and is typically located inside the building.

*“Grease Recycle Container”* means a container used for the storage of yellow grease for recycling.

*“Interceptor”* means a device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

*“Interference”* means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

*“Tee”* (influent & effluent) means a T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

*“Water, black”* means wastewater containing human waste from sanitary fixtures such as toilets and urinals.

*“Water, gray”* means all other wastewater other than black water.

**3-3. Discharge of fat, oil, and grease.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the WWF. Prohibited discharges include any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two degrees (32°) and one hundred fifty degrees (150°) F (0 to 65° C).

**3-4. Interference with sanitary sewer system operations.** Any user who discharges animal or vegetable fat, oil, or grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified herein and may be billed for cleanup charges incurred by the city when that user’s discharge causes operation and

maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge.

### **3-5. Control of fat, oil, and grease.**

- (a) All existing and new FSE shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. If best management practices fail to prevent sanitary sewer system interferences, Class 1 FSE shall install and maintain grease control equipment as set forth below.
- (b) All new Class 2, 3, 4, and 5 FSE shall install grease control equipment in sizes specified in Sec. 18-306 and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.
- (c) Existing FSE that do not meet these minimum sizes may continue to use existing GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMP's are inadequate to protect the sanitary sewer system from interference, the FSE shall have thirty (30) days to install additional GCE to prevent FOG interference with the sanitary sewer system.
- (d) All FSE with GCE shall maintain records of the cleaning and maintenance of that equipment. Records shall minimally include the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.
- (e) Yellow grease such as fryer oil, shall not be discharged into the GCE or into storm water conveyances. The use of yellow grease recycling containers is encouraged.
- (f) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.
- (g) All FSE shall provide access to the city for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge.

### **3-6. Grease control equipment, minimum size.**

- (a) The minimum acceptable GCE by FSE Class is as follows:
  - Class 1: 20 gallon per minute /40 pound grease trap
  - Class 2: 500 gallon grease interceptor
  - Class 3 1,000 gallon grease interceptor
  - Class 4: 1,500 gallon grease interceptor
  - Class 5 2,000 gallon grease interceptor
- (b) A FSE that is found by the manager to be interfering with the sanitary sewer system may be directed to install GCE that is larger than the minimum size and take other steps to stop that interference.
- (c) Existing FSE that do not meet these minimum sizes may continue to use existing

GCE and best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the manager gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the manager that the existing GCE or BMP are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

- (d) A FSE that discharges the water from a dishwashing machine through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.
- (e) Grease Traps. These small, under-the-counter units shall be installed according to drawings provided by the manager and shall include a vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor.

**3-7. Installation of grease control equipment.** Customers are responsible for installation of grease control equipment (GCE) in accordance with the following

- (1) Grease traps shall be installed according to the requirements in Section 8-306(e).
- (2) Grease interceptors shall be substantially similar to sample drawings available from the city.
- (3) Tanks must be water tight and be protected from rainwater inflow and infiltration.
- (4) Two access manholes with a minimum of 24" diameter shall be provided, one directly over the influent pipe and tee and one directly over the effluent pipe and tee.
- (5) Influent and effluent pipes shall be 4" or larger, PVC Schedule 40 or stronger.
- (6) Influent and effluent pipes shall be equipped with tee fittings properly positioned so that the influent flow shall be directed downward to a tee that terminates 24 inches below the water surface, with the effluent Tee blocking all surface grease and terminate 12" above the bottom of the unit.
- (7) The tank shall be constructed to have two compartments. Two thirds of the volume shall be in the influent side and one third on the effluent side. A solid baffle wall shall extend from the bottom to within 6" of the top and shall be equipped with a 6" elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of 12" from the bottom.
- (8) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.
- (9) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.
- (10) Interceptor sizes greater than 2,500 gallons shall be served by two tanks installed in series.

**3-8. Maintenance of grease control equipment.** Customers are responsible for maintenance of the grease control equipment as follows:

- (1) Grease traps should be cleaned once every two weeks, or more often, when the combined depth of FOG and solids exceed 50% of the trap.

- (2) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches 25% of the tank depth.
- (3) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.
- (4) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.
- (5) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of such deterioration or damage being noticed.

**3-9. Use of additives.** The use of additives is prohibited except under the following conditions:

- (1) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.
- (2) If a product used can be proven to contain 100% live bacteria, with no other additives, a request for permission to use the product shall be made to the manager. The request must be submitted in writing with a full disclosure Material Safety Data Sheet and a certified statement from the manufacture.

**3-10. Implementation.** The manager is authorized to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servicing vendors (grease waste haulers), permitting of FSE, and other operating policies needed to protect the sanitary sewer system from interference from FOG.

**3-11. Permitting.** The city is authorized to issue FSE permits as a way of implementing this ordinance, and may further require the permitting or certification of GCE service and pumping vendors.

## **Chapter 4 Enforcement and Abatement**

**4-1. Legal action.** If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the city or manager, the manager may commence an action for appropriate legal and equitable relief in the chancery court of the county.

**4-2. - Declaration of public nuisance.** Discharges of wastewater in any manner in violation of this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person creating a public nuisance shall be subject to the provisions of the city codes or ordinances governing such nuisance.

**4-3. Correction of violation; collection of costs.** In order to enforce the provisions of this article, the manager is authorized to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the article or the



owner or tenant of the property upon which the violation occurred, and the manager shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

**4-4. Damage to facilities.** When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to POTW, the city 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.

**4-5. Civil liabilities.** Any person or user who intentionally or negligently violates any provision of this ordinance or any conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment or toxicity standard, shall be liable civilly. The city shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

**4-6. Civil penalties.**

Any user who is found to have violated an order of the manager or who willfully or negligently failed to comply with any provision of this article, and the order, rules, regulations and permits issued hereunder, shall be guilty of an offense and subject to a fine. Each day or part of a day during which a violation shall occur or continue shall be deemed a separate and distinct offense.

**4-7. Termination of water service for noncompliance with certain sections.** As an additional method of enforcing the provisions of this ordinance, the manager shall have the right to seek the discontinuation of water service to any customer who is in violation; provided, however, that before discontinuance of water service, a ten (10) day notice shall be given the customer; and provided, further, that water service shall be resumed upon satisfactory showing being made to the manager that arrangements have been made for compliance with the provisions of this ordinance.

BE IT FURTHER ORDAINED that the following provisions shall not apply to customers receiving sewer service funded by the city with 2014 grant funds from the United States Department of Agriculture, Rural Development:

- ❖ Sec. 1-3 (b)
- ❖ Sec. 1-4 (a)
- ❖ Sec. 2-5 (a); provided; that city cost responsibility for the installation of the sewer service line shall be a maximum distance of 150 lineal feet.

This Ordinance shall become effective fifteen (15) days from and after its final passage, the welfare of the city requiring it.

WHEREUPON, Mayor Tune declared the Ordinance adopted, affixed his signature and the date thereto, and directed that the same be recorded.

\_\_\_\_\_  
Sam Tune, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Amy Von Almen, City Recorder

**Approved as to Form and Legality  
this \_\_\_\_\_ day of June, 2014**

\_\_\_\_\_  
Leon Sharber, City Attorney

Passed on 1st Reading: \_\_\_\_\_

Passed on 2nd Reading: \_\_\_\_\_

Passed on 3<sup>rd</sup> Reading: \_\_\_\_\_