

**TITLE 18**

**WATER AND SEWERS<sup>1</sup>**

**CHAPTER**

1. SEWERS.
2. SEWAGE.
3. WATER.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1**

**SEWERS**

**SECTION**

- 18-101. Permit required for sewer connections.
- 18-102. Sewer connection, tap installation, and infrastructure construction charge.
- 18-103. Sewer service charge.
- 18-104. Sewers outside the corporate city limits.
- 18-105. [Deleted.]
- 18-106. [Deleted.]

**18-101. Permit required for sewer connections.** It shall be unlawful for any person to make or cause, or allow to continue, any connection with any of the sewers of the city without first obtaining a permit from the city manager. (1968 Code, § 13-201)

**18-102. Sewer connection, tap installation, and infrastructure construction charge.** (1) A sewer connection charge is assessed for all users connecting to the sanitary sewer system and is payable on each lot at the time of the issuance of a building and/or sewer permit. The sewer connection charge shall be three thousand three hundred dollars (\$3,300.00) for each such connection unless the parcel contains multiple dwelling units. The sewer connection charge for multiple dwelling units located within one (1) parcel shall be one thousand six hundred fifty dollars (\$1,650.00) per dwelling unit.

---

<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

Wastewater department: § 1-207.

(a) Property which has been previously assessed by the city for construction and installation of the sanitary sewer (prior to May 4, 2005) shall not be subject to the connection charge.

(b) Property where structures were physically connected to public sewer and such structures have been removed are not subject to this connection charge when a building permit for structural replacement is approved and issued within twenty-four (24) months of the date of final previous monthly sewer service payment. If such building permit becomes null and void and a valid permit is not issued and approved within said twenty-four (24) months, the property shall be subject to this connection charge. Proof of date of demolition/removal and final previous sewer service payment shall be submitted for approval at the time of building permit application.

(2) A tap installation charge is assessed and payable prior to the city providing labor, equipment or materials to install or locate the portion of the sewer line between the city's sewer main and the customer's part of the service lateral. The installation charge consists of the costs of labor, materials, and equipment involved in installing the service line tap and required appurtenances, and will be paid in accordance with the following schedule:

TAP INSTALLATION CHARGE SCHEDULE (ALL CUSTOMERS)

<u>Type Sewer Service</u>	<u>Complete Tap Installation</u>	<u>Location of Tap Only</u>
4" Sewer Line Tap	\$800	\$65
6" Sewer Line Tap	\$950	\$65
Existing Tap	-----	\$65

(a) In the event the city does any installation work not covered in the table of installation charges, the cost of such work shall be charged to the customer according to a schedule of rates established by the wastewater department. The installation charge is to be paid at the time the sewer permit is issued.

(b) The wastewater department may allow or instruct the applicant for a permit to install the required tap in lieu of tap installation fees. This decision is entirely at the discretion of the wastewater department. The charge for identifying the tap location will remain applicable on all permits.

(c) Multiple structures located within one parcel of property that will utilize existing service lines or construct new service lines as a

means to connect to public sewer, are subject to the applicable tap installation charge. (examples: mobile home parks, guest houses, apartment, etc.)

(3) A sewer infrastructure construction charge of three thousand six hundred dollars (\$3,600.00) per benefited property is hereby enacted for the extension of new sewer services.

(a) All infrastructure construction charges are due and payable at the time of issuance of a sewer permit; however in the event the city is extending its sanitary sewer infrastructure, to the property in question, the property owner may notify the city in writing that he elects to pay said sewer infrastructure construction charge in five (5) annual installments as herein provided. If the property owner elects to pay said charge in annual installments, said infrastructure construction charge amount shall bear interest at the rate of six percent (6%) per annum on the unpaid balance. A property owner desiring to exercise the privilege of payment by installment shall, before the issuance of the sewer permit, enter into an agreement in writing with said city. Such agreement shall provide that in consideration of such privilege the property owner will pay the same as agreed with the specified interest and all costs of collection, including a reasonable attorney's fee upon default as hereinafter provided. Said agreement is to be filed in the office of the city recorder, or person designated, and in all cases where such agreement has not been signed and filed, the charges shall be paid in full before the issuance of the sewer permit. Any property owner who elects in writing to pay the sewer infrastructure construction charge in five (5) installments shall have the right and privilege of paying the charge in full at any installment period by paying the full amount of the installments, together with all accrued interest. If any property owner defaults in the payment of any installment and interest thereon, all of said installments, with interest, shall become immediately due and payable.

(b) Whenever any installment payment of the sewer infrastructure construction charge becomes past due for a period of sixty (60) days, the city recorder shall certify said delinquent installments to the city attorney, who shall proceed to enforce the collection of said charge, plus accrued interest and costs of collection hereinabove set forth.

(4) If any person issued a permit to connect to the sanitary sewer system of the city fails to make the sewer connection within ninety (90) days after the date of issuance of such permit, and in the meantime, any charge prescribed by this section is increased, then such permit is void and of no further force and effect. To have the permit reinstated, the person must pay the difference between the previously paid charge and the newly enacted charge.

(5) Written requests for refunds of sewer connection or tap installation charges shall be made within ninety (90) days of the date of the sewer permit. Tap installation charges are non-refundable if tap installation has commenced

or the location of the tap has been provided prior to the receipt of the request for refund. All refunds associated with the connection and/or tap installation charges are subject to a five percent (5%) processing charge. After such refund, the sewer permit is void and of no further force and effect.

(6) The obligation to pay the sewer connection and/or tap installation charge established in this section is in addition to, and does not replace, any responsibility to construct or extend collector lines as required under the Columbia Municipal Code and/or the City of Columbia Subdivision Regulations. The obligation to pay the sewer infrastructure construction charge is in addition to, and does not replace, any responsibility for payment of sewer connection or tap installation charges as required under the Columbia Municipal Code. (Ord. #3223, April 1998, as replaced by Ord. #3580, Feb. 2005)

**18-103. Sewer service charge.** (1) All persons, firms or others whose property is located within the corporate limits of the City of Columbia and is accessible to the sanitary sewer system shall be required to pay monthly rates for the use of said system, said rates to be calculated and charged upon the basis of average water consumption for the months November through April, said average to apply to residential users only as follows:

Base Charge . . . . . \$4.00 per month per service  
Volume Charge . . . . . \$4.35 per thousand gallons of water

5.09 cents per 1,000 gallons of water volume charge shall be designated for the pretreatment program. Service unit shall be defined as follows:

A service unit shall be determined as the number of electrical meter boxes installed on the property of any person, corporation, firm or others that are users of the City of Columbia sewer system. One base charge shall be paid for each electrical meter installed on a user's property.

(2) All persons, firms or others whose property is located outside the corporate limits of the City of Columbia, whose property uses the sanitary sewer system shall be required to pay monthly rates for the use of said system, said rates to be calculated and charged upon the basis of the average water consumption for the months November through April to apply to residential users only as follows:

Base Charge . . . . . \$7.00 per month per service  
Volume Charge . . . . . \$4.35 per thousand gallons of water

5.09 cents per 1,000 gallons of water volume charge shall be designated for the pretreatment program. Service unit shall be defined as follows:

A service unit shall be determined as the number of electrical meter boxes installed on the property of any person, corporation, firm or others that are

users of the City of Columbia sewer system. One base charge shall be paid for each electrical meter installed on a user's property.

(3) Said rates shall be billed simultaneously with rates for water service, shall be subject to the same penalties for delayed payment as are imposed in the case of water bills, and shall be paid and collected in the same manner as water bills. Users will not be permitted to pay the water bill without simultaneous payment of the sewer bill, and in the event of nonpayment within thirty (30) days from the date of such bills, water service shall be discontinued.

(4) When a water leak occurs such that the leaking water does not enter the sewer, then the director of wastewater may make an estimate of the appropriate adjustment at the director's discretion but in no event shall any adjustment be made for a charge over six (6) months old nor may the director adjust more than two charges for any one user due to one occurrence. Sewer charges for all users shall be calculated on the basis of actual water consumption in each month of the year.

(5) Special contracts shall be negotiated with any user who discharges into the system sewage of such characteristics as to require additional treatment above that required for ordinary sewage. Said contracts shall contain such rates and charges as shall compensate the city for the additional costs involved. (1968 Code, § 13-203, as amended by Ord. #1881, June 1992, and Ord. #1945, June 1993, Ord. #2009, June 1994, Ord. #2079, June 1995, Ord. #2083, June 1995, Ord. #3072, June 1996, Ord. #3075, June 1996, Ord. #3126, April 1997, Ord. #3127, April 1997, Ord. #3214, May 1998, Ord. #3215, May 1998, Ord. #3284, May 1999, and Ord. #3285, May 1999)

**18-104. Sewers outside the corporate city limits.** The City of Columbia reserves the right to restrict any and all connections, extensions or additions to the sanitary sewer lines which are within or without the corporate city limits. Sewer lines within the corporate city limits shall be subjected to the regulation of the planning and zoning commission, building inspection and other regulatory review by the city. Where a property owner desires to connect to the sewer lines outside the corporate city limits, it shall be done after approval of the Council of the City of Columbia following a petition by the property owner for annexation to the City of Columbia. The city council may institute annexation proceedings or in the council's choice, may allow connection to the sewer without annexation of the property. In any case, authorization to connect to the sewer shall be allowed only in such circumstances that the council is assured that the standard of construction, not only of sewer lines, but also of the entire development, shall be of a standard and quality which will provide the residents of the city with no obligations greater than similar developments as constructed within the city limits. (1968 Code, § 13-204)

**18-105. [Deleted.]** (1968 Code, § 13-205, as deleted by Ord. #3672, Dec. 2006)

**18-106. [Deleted.]** (1968 Code, § 13-206, as deleted by Ord. #3672, Dec. 2006)

## CHAPTER 2

### SEWAGE<sup>1</sup>

#### SECTION

- 18-201. Who must connect to sanitary sewer system.
- 18-202. Permit, etc., required for connections.
- 18-203. When privies, cesspools, septic tanks, etc., are prohibited.
- 18-204. Responsibility for maintenance of system.
- 18-205. Nuisance conditions.
- 18-206. Inspections and violations.
- 18-207. Sewer use requirements--general provisions.
- 18-208. Use of and connection to public sewers.
- 18-209. Private domestic wastewater disposal.
- 18-210. Applications for service--permits--penalties.
- 18-211. Commercial and industrial pretreatment.
- 18-212. Monitoring, reports, access, and safety.
- 18-213. Discharge regulations.
- 18-214. Wastewater charges, fees, and billing.
- 18-215. Administrative enforcement remedies.
- 18-216. Judicial remedies.
- 18-217. Supplemental enforcement remedies.
- 18-218. Affirmative defenses.

**18-201. Who must connect to sanitary sewer system.** All persons owning any building or structure used for human occupancy, employment, recreation, or other purpose, situated within the City of Columbia, not already connected to the city sanitary sewer system, and abutting on any street, alley, right of way, easement, or other public way on which there is now located a public sanitary sewer are hereby required at their own expense to install suitable sewage disposal facilities therein and to connect such facilities directly with the public sanitary sewer system within ninety (90) days after the passage of these provisions.

All persons owning any property within the city accessible to the public sanitary sewage system as hereinabove set forth, upon which a building is hereafter erected, shall, at the time of the erection of such building and at their own expense, erect suitable sewage disposal facilities therein and make proper connection with the public sanitary sewage system.

All persons owning any occupied building within the city upon property which may hereafter become accessible to the public sanitary sewage system

---

<sup>1</sup>Municipal code reference

Building, utility, etc. codes: title 12.

shall, at their own expense, make proper connection with the public sanitary sewage system within thirty (30) days after notice to do so from the city manager or his authorized representative. Notice may be given by posting a letter, to the last known address of the owner, setting forth the accessibility of such service, or by publishing notice in any newspaper of general circulation in the City of Columbia, which notice need only set forth the streets or portions thereof to which the public sanitary sewage system has become accessible. (Ord. #3352, March 2000)

**18-202. Permit, etc., required for connections.** A sewer permit must be obtained from the wastewater department prior to connection with the public sanitary sewer service. All connections to the public sanitary sewer system shall be in full accord with the plumbing code adopted by the City of Columbia or other applicable ordinances of the City of Columbia. (Ord. #3352, March 2000)

**18-203. When privies, cesspools, septic tanks, etc., are prohibited.** It shall be unlawful for any person owning any occupied building within the city, on premises accessible to the public sanitary sewage system, to erect, construct, use or maintain, or allow or cause to be erected, constructed, used or maintained any privy, cesspool, sink hole, septic tank or other receptacle on such premises for receiving sanitary sewage. (Ord. #3352, March 2000)

**18-204. Responsibility for maintenance of system.** Any occupant or person having immediate use and control of any building shall be responsible for maintaining the sanitary sewage disposal facilities used to connect such building to the public sanitary sewage system in a sanitary and usable condition, unless by written contractual arrangement between the parties, the owner of the property expressly agrees to retain such responsibility. (Ord. #3352, March 2000)

**18-205. Nuisance conditions.** Any person who erects, constructs, allows, causes, or maintains a privy, cesspool, sink hole, septic tank, or other receptacle for receiving sanitary sewage on any property within the city, which property is accessible to the public sewage system, in violation of this chapter shall, in addition to the penal provisions herein provided for, be deemed, and shall be declared to be erecting, constructing, and maintaining a nuisance, which nuisance the city is hereby authorized and directed to abate in a manner provided by law. (Ord. #3352, March 2000)

**18-206. Inspections and violations.** The city manager, the wastewater department director, the city engineer, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all property within the city for purposes of inspection

and observation to determine if the owners or occupants are in violation of the provisions of this chapter. Any person found by them to be violating any provision of this chapter may be cited by the city officials with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, except as provided in § 18-215(8). The offender shall, within the time stated in such notice, permanently cease all such violations.

Any person who shall continue any violation beyond the time limit provided in this section shall be penalized under the general penalty clause for this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

The authority to give notice of violations and to provide a reasonable time for connection thereof is discretionary and supplementary to the penalties for violations set forth in the general penalty clause for this code, and notice as herein provided is not a prerequisite for prosecution for such violations or appropriate proceedings under § 18-205. (Ord. #3352, March 2000)

**18-207. Sewer use requirements—general provisions.** (1) Purpose and policy. This sewer use chapter sets uniform requirements for discharges into the wastewater collection system and treatment works and enables the City of Columbia, Tennessee to comply with the provisions of the Federal Water Pollution Control Act Amendments of 1972, PL92-500, the Clean Water Act of 1977, as amended in 1987, 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 and federal law, and to derive maximum public benefit by regulating the quality and quantity of wastewater discharged into the city's wastewater collection system and treatment works. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. The main purpose of this chapter is to prevent the introduction of pollutants into the publicly-owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or into the atmosphere, or otherwise be incompatible with the treatment works. This chapter provides guidelines for the establishment of rates and a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the service area. The chapter establishes pretreatment requirements for industrial waste before discharge into public sewers as required in Title 40, Part 403 of the Regulations of the Environmental Protection Agency (Federal Register, Vol. 43, No. 123) and any subsequent amendments thereof; establishes control over the contribution of wastewater which requires greater treatment expenditures than those necessary for equal volumes of normal domestic wastewater; and provides

measures for the enforcement of its provisions and abatement of violations thereof. This chapter shall supersede any other ordinances or portions thereof which may be in conflict with this chapter.

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

(a) "Act" or "the Act" means Federal Water Pollution Act, also known as the Clean Water Act of 1977, as amended in 1987.

(b) "Approval authority," means the Director of Water Pollution Control of the Tennessee Department of Environment and Conservation in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

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

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

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

(f) "City," means the City of Columbia, Tennessee.

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

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

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

(j) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the director if the city has an approved pretreatment program under the provision of 40 C.F.R. 403.11.

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

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

(m) "Director." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged

with certain duties and responsibilities by this article, or his duly authorized representative. The Wastewater Department Director, except where specifically referring to the Director of Water Pollution Control Tennessee Department of Environment and Conservation.

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

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

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

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

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

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

(t) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state.

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

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

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

state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by POTW.

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

(y) "National pollution discharge to the elimination system or NPDES permit," a permit issued to a POTW pursuant to 402 of the Act.

(z) "National pretreatment standards or pretreatment standards," means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users and/or this chapter.

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

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

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

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

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

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

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

(hh) "Pretreatment," the reduction of the amount of pollutants, the elimination of the pollutants, or the alteration of the nature of pollutant properties and wastewater to a less harmful state prior to or in

lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, changes, or by other means, except if prohibited by 40 C.F.R. Section 403.6(d).

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

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

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

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

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

(nn) "Significant industrial user" shall mean any non-residential user of the city's wastewater treatment system meeting one of the following conditions: all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(oo) "Standard Industrial Code (SIC)," a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

(qq) "Suspended solids" shall mean solids that either float on the surface of or are in suspension in wastewater, and which are measurable

as prescribed by "standard methods" and expressed in milligrams per liter.

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

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

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

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

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

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

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

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

(zz) Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water & Wastewater, published by the American Public Health Association, the

American Water Works Association and the Water Pollution Control Federation. (Ord. #3352, March 2000)

**18-208. Use of and connection to public sewers.** (1) Requirements. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste; and it shall be unlawful to discharge to any natural outlet within the service area of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this chapter. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

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

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

A separate and independent building sewer shall be provided for every building; except where the building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

The connection of the building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviations

from the prescribed procedures and materials must be approved by the director before installation.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

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

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

(5) Use and maintenance of building sewers. Building sewers that have been previously used but have been abandoned due to the razing of the building structure may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this chapter. All others must be sealed to the specifications of the city. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the director to meet specifications of the city.

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

(7) Interruption of service. The city shall be liable for any damage resulting from the failure or overflow of any sewer main, service pipes or valves, or any other facilities belonging to the city, unless by clear and convincing evidence it is established that such failure or overflow was caused by a use of such sewer. In cases of emergency the city 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 city and the treatment works.

(8) Discontinuance of service and refusal to connect service. The director shall, after written notice, and allowance of a reasonable time for remedial action (except under the emergency provisions of § 18-215(8)), have the right to discontinue service or to refuse to render service for a violation of, or failure to comply with, this chapter, the rules and regulations, the customer's application and agreement for service, or the payment of any obligation due to the city. Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant. Discontinuance of service by the director for any causes stated in this chapter shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's agreement. The director 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 city or has heretofore had his service disconnected because of a violation of the chapter or the rules and regulations of the city. (Ord. #3352, March 2000)

**18-209. Private domestic wastewater disposal.** (1) Availability. Where a public sanitary sewer is not available under the provision of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provision of this section.

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

(3) Connection to sewer. When a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any

septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(4) Inspection. The director shall be allowed to inspect the work at any stage of construction, and in any event, the owner shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice.

(5) Wastewater disposal services. Hauled septage may be discharged only at the POTW receiving station subject to the fees and conditions set forth in this chapter, and in conformance with the rules and policies of the water and sewer department.

(a) Types of hauled septage accepted. (i) Residential septic tank pumpage.

(ii) Sanitary wastes from holding tanks.

(iii) Special wastes with prior approval.

(b) Septage hauler permit required. (i) All haulers are required to possess a valid discharge permit prior to being allowed to discharge to the Columbia sanitary sewer system. Failure to adhere to the terms of the permit may result in penalties and/or suspension or revocation of the permit.

(ii) Permits and renewals may be issued upon submission of completed application, required fees and satisfactory evidence of vehicle insurance.

(iii) Permit renewals will not be issued to haulers who fail to comply with the terms and conditions set forth in the permit, city ordinance or state and federal statutes.

(iv) The permit holder shall immediately notify the city in writing of any changes in the business name, ownership, address, telephone number or registered vehicle. Changes to vehicles include addition, replacement, deletion or modification of the capacity of the registered vehicles.

(v) A copy of the hauled septage permit shall be carried in each registered vehicle.

(vi) Any such permit granted shall be for one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(c) Vehicle registration required. (i) Every vehicle used by the hauler to haul liquid wastes must be registered with the Columbia Wastewater System. Registration shall include the make, model, tank capacity and license number of the vehicle.

(ii) Each registered vehicle shall be issued a special discharge permit number which shall be plainly painted on each side of the motor vehicle used in the conduct of the business permitted hereunder.

(iii) Vehicles used to haul or store hazardous materials, petroleum products or petroleum derivative wastes, corrosives or toxic wastes are specifically prohibited.

(iv) Any such registration shall be one full calendar year, or fraction of the calendar year, unless sooner revoked and shall be nontransferable.

(d) Hauled septage prohibited materials. (i) In the case of multiple pump outs in a single load, any part of the load which is prohibited shall render the entire load unacceptable.

(ii) Any wastes containing flammable, explosive, corrosive, or toxic material(s).

(iii) Any wastes containing material(s) which may be inhibitory to the process at the wastewater treatment plant, or which may result in a pass-through violation in the plant effluent.

(iv) Grease trap wastes, or other wastes containing floatables or materials which may exceed the capacity of the treatment plant.

(v) Any solids or other materials which may solidify and cause blockage or handling problems in the system.

(vi) Wastes from portable toilets that contain formaldehyde or formalin based deodorizers.

(vii) The city reserves the unconditional right to accept or reject any hauled materials as it deems necessary to protect its employees, facilities, treatment processes or effluent quality.

(e) Manifests required for all hauled septage. (i) Haulers must complete and submit a manifest for each load discharged, identifying the exact source(s) of the hauled material, including name, complete address, telephone number, waste characteristics, and approximate gallons for each site pumped, as well as the permit number of the hauler, vehicle license number and signature of the driver.

(ii) Any haulage that does not originate from a single family dwelling must include the generator's signature.

(iii) Manifests shall

(A) Conform to the sample provided by the Columbia Wastewater system,

(B) Are due on the day of discharge to the sanitary system, and

(C) Should be deposited in the receptacle provided at the POTW.

(f) Hauled septage fees.

(i) Permit application or renewal . . . . . \$25.00

(ii) Vehicle registration, per vehicle . . . . . \$10.00

- (iii) Discharge fee per load, any quantity up to 1000 gallons
  - (A) From inside Columbia City Limits . . \$25.00
  - (B) From outside Columbia City Limits . \$37.50
  - (C) From outside Maury County . . . . . \$50.00

(iv) Laboratory analysis fees shall be when evidence indicates that the permit holder has discharged prohibited materials.

(v) Quantities exceeding one thousand (1,000) gallons shall be pro-rated in five hundred (500) gallon increments using the established fee schedule.

(g) Revocation of permit. Any person who violates the terms of a septage hauler permit by hauling substances prohibited by the permit or who misrepresents the point of septage origin shall be subject to penalties as follows:

- (iv) First offense, loss of permit for six (6) months.
- (v) Second offense, permanent loss of permit.
- (vi) In addition to the penalties described in the paragraphs above, septage haulers shall be subject to the same penalties as industrial users with regards to discharge of prohibited and controlled substances. (Ord. #3352, March 2000, as amended by Ord. #3673, Dec. 2006)

**18-210. Applications for service—permits—penalties.** (1) Domestic use and commercial use. A formal application for either original or additional service must be made at the office of the director and be duly approved before connection is made. The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time.

(a) Domestic use. Domestic use shall be defined as residential use and no use (discharge) permit shall be required.

(b) Commercial use. Commercial use shall be defined as any non-residential use. All potential commercial users shall obtain a non-residential survey upon application for building permit or sewer connection permit and shall complete it prior to issuance of a certificate of occupancy or final approval of connection to a sewer tap. The director shall review the non-residential survey and determine whether a user or discharge permit shall be required. Commercial users shall be required to annually obtain a use permit. Commercial users may be required to

install grease traps, catch basins, screening devices, or other facilities to prevent the entry of harmful materials or substances into the public sewer. Such installation will be at the user's expense and shall be installed upon written notification from the director. Cleanout and upkeep of such facilities will be at the user's expense and shall be done in such a manner that the undesirable material or substance does not enter the public sewer. Records of cleanout and maintenance of such interceptors shall be kept available for inspection by the director for a period of three (3) years and shall be submitted to the director upon written notification.

(2) Industrial use. (a) Application. An application for original, additional, or continuation of service must be made at the office of the director, and must be duly approved before connection is made. The application shall be in the prescribed form of the city 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 city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant for such service.

All industrial users shall be required to pay \$3,000.00 per year or \$250.00 per month for an industrial discharge permit. This cost also covers monitoring of industrial discharge. In addition, industrial users will pay surcharges in the amount necessary to recover treatment costs incurred in treating extra-strength and non-compatible waste discharged over the permit level.

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, The National Pollutant Discharge Elimination System

(NPDES) Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing report.

Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless a ten (10) day notification is given to the user.

Effluent data shall be available to the public without restriction pursuant to 40 CFR 403.14(b).

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

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

- (i) Name, address, and SIC number of applicant.
- (ii) Volume of wastewater to be discharged.
- (iii) Wastewater constituents and characteristics.
- (iv) Time and duration of discharge.
- (v) Average and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (vi) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (vii) Description and quantities of all materials on the premises which are, or could be, discharged.
- (viii) Any other information as may be deemed by the director to be necessary to evaluate the permit application.

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

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions by the city. 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:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.

(ii) The average and maximum wastewater constituents and characteristics.

(iii) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(iv) Requirements for installation of monitoring facilities, including flow monitoring and sampling equipment, and the location thereof.

(v) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(vi) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.

(vii) Compliance schedules.

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

(d) Duration of permit. 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. The user must apply for a new permit not more than ninety (90) days, nor less than thirty (30) days prior to expiration of the current permit. The terms and conditions of the permit may be subject to modification and change by the director 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 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, except as provided in § 18-215(8).

(e) 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, unless approved by the director.

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

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

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

- (iii) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (iv) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- (v) Violation of conditions of the permit.
- (g) Violations of permit--penalties. In addition to other remedies under this section, the director shall collect the following:
  - (i) Damages. If the industrial user is found to be in violation of its discharge permit, then such user shall be financially responsible and shall pay for any and all damages, including the costs of such sampling and analysis as deemed necessary by the director.
  - (ii) Administrative fines. Up to \$10,000 per violation based on the severity of the violation according to the Industrial Pretreatment Enforcement Response Guide and applicable sections of this chapter.
- (4) Incomplete applications. The director will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall deny it and notify the applicant in writing of such action. (Ord. #3352, March 2000)

**18-211. Commercial and industrial pretreatment.** (1) Criteria for pretreatment. Any wastewater discharge from a commercial or industrial user of the wastewater treatment system whose discharge violates the provisions set out in the prohibited wastewater discharges or the restricted wastewater discharges of this chapter or the industrial discharge permit shall pretreat at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger.

Any commercial or industrial wastewater discharge exceeding only the limitations on wastewater strength provision of this chapter may be pretreated at the point of origin in a private wastewater treatment plant provided, maintained, and operated by the discharger, or may be subject to the surcharge for extra strength waste as long as POTW capacity exists in the opinion of the director.

- (2) Pretreatment facilities. (a) Design and construction. All commercial or industrial users of the wastewater treatment works 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 director for approval.

Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. Written approval of the director must be obtained before construction of new or additional facilities may begin. The plans, specifications, and other pertinent information submitted to the city for approval will be retained as file material for future reference with one approved copy returned to the user.

(b) Compliance schedule. In the event new or additional pretreatment facilities for existing sources are required under the provisions of this chapter, the users shall submit written progress reports to the director as required by the director under the schedule or compliance order, based on the complexity of the pretreatment requirement. In the event users are making a good faith effort to comply but are prevented from compliance due to the complexities of a given situation or other circumstances beyond the user's control, this time may be extended by the director for a period of time not exceeding the time limits imposed by federal pretreatment regulations.

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

The director 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 director or his representatives ready access at all reasonable times to parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The director shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations.

(d) Maintenance of facilities. It shall be the responsibility of the owner to maintain all wastewater treatment or equalization facilities in good working order at all times. The director must be notified in writing when pretreatment facilities will not be or are not operative by reason of equipment malfunction, emergency or routine maintenance, or any reason whatsoever. It shall be the responsibility of the owner to repair and maintain all pretreatment facilities on a high priority basis. (Ord. #3352, March 2000)

**18-212. Monitoring, reports, access, and safety.** (1) Monitoring facilities. All industrial users for whom a discharge permit is issued must install a special sampling facility to be built in accordance with City of Columbia specifications. Users in areas designated for industrial development (industrial parks and any zoned industrial area) must also install such a sampling manhole whether or not a discharge permit is issued.

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

Permanent monitoring facilities that are required to be installed shall be constructed and maintained at the users expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense. Wastewater samples will be made available to the industry if requested. However, the industry is responsible for providing its own adequate sample containers.

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

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for city personnel, and to secure the city's monitoring equipment.

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

(2) Reports. All significant industrial users (SIU) are required to submit periodic self-monitoring reports under 40 CFR 403.12(e) and other sections. These requirements include, but are not limited to, the following:

(a) SIUs shall submit to the POTW, at least twice a year, reports which, at a minimum, describe the nature, concentration, and flow of pollutants which are limited by the POTW (403.12(e) and (h)).

(b) If sampling performed by an SIU indicates a violation, or any measurement of any concentration or mass limit or flow or other parameter specified in the permit is exceeded, the SIU shall notify the POTW within 24 hours of becoming aware of the violation or excessive discharge. The SIU shall also repeat the sampling and analysis except

for BOD, suspended solids, ammonia, or flow and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation (403.12(g)(2)).

(c) An SIU that monitors any pollutant more frequently than required by the permit or other regulation shall include the results of the extra monitoring in the report (403.12(g)(5)).

(d) The self-monitoring reports shall include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (403.12(1) and 403.6(a)(2)(ii)).

(e) The self-monitoring reports shall be signed as follows:

(i) If the SIU is a corporation, the responsible corporate officer is a president, secretary, treasurer or vice-president in charge of the principal business function, or any other person who performs similar policy-making or decision-making functions or the manager at one or more facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (1980 dollars) if such authority to sign documents has been delegated in accordance with corporate procedures.

(ii) By a general partner or proprietor if the SIU is a partnership or sole proprietorship, respectively.

(iii) By a duly authorized representative of the individual in (i) or (ii) above if:

(A) The authorization is made in writing;

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility, and

(C) The written authorization is submitted to the POTW (403.12(1))

The director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such

cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration of production and mass limits where requested by the director of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be one 24 hour monitoring period per 1 to 3 million gallons of discharge until under the director's discretion sufficient results have shown consistent compliance with permit limitations. The frequency for a particular industry shall be indicated on its industrial discharge permit.

All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provision of Part 136 section 304 (h) of the Act [33 U.S.C. 1314 (h)] and contained in 40 C.F.R. and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the director. The report shall have the signature of an authorized representative that certifies the validity of the report.

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

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

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director, approval authority, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, approval authority, or the Environmental Protection Agency.

(4) Entry on private property. The director and other duly authorized employees of the city 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 director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries having a direct bearing on the kind and sources of discharge to

the sewers or waterways or facilities for waste treatment. Such information should be requested to be confidential under § 18-210(2)(b).

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

(6) Easement. The director and other duly authorized employees of the city and personnel of the Tennessee Department of Environment and Conservation bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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. (Ord. #3352, March 2000)

**18-213. Discharge regulations.** (1) Applicability. All users of the facilities of the POTW shall comply with the following regulations and restrictions before discharging or causing to be discharged any wastewater to the public sewer system. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR Part 136 or equivalent methods approved by the EPA.

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

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

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

(c) Wastes with objectionable color not removable by the treatment process.

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

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

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

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

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

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

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

(h) Wastewater at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation; or any discrete or "slug" discharge that would cause a treatment process upset and subsequent loss of treatment efficiency no matter what the duration.

(i) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewer, with no particle greater than one-half ( $\frac{1}{2}$ ) inch in any dimension.

(j) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(k) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(l) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or passthroughs.

(m) Any priority pollutant in amounts that will contaminate the treatment works sludge.

(3) Restricted wastewater discharges. 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 the requirements shall be considered in violation of this chapter.

Pollutant	Daily Average <sup>1</sup> Max. Conc. (mg/l)	Instantaneous Max. Conc. (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	1.8	1.8
Copper	2.1	2.1
Cyanide	1.0	1.5
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Selenium	0.1	0.2
Silver	1.0	1.5
Surfactants, as MBAS	5.0	8.0
Zinc	2.0	3.5
Phenols	10.0	15.0
Oil and Grease	N.A.	100.0

<sup>1</sup>Based on 24 hour flow proportional composite samples, except cyanide, surfacants, phenols, and oil and grease which are grab samples.

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

Pollutant	POTW Influent Maximum Concentration (mg/l)
Boron	1.0
Copper	0.561
Chromium	0.514
Nickel	0.088
Cadmium	0.0102
Lead	0.207
Mercury	0.0046
Silver	0.037
Zinc	0.36
Cyanide	0.022
Phenol	0.03
Bis (2-ethyl hexyl) Phthalate	0.013
Butyl Benzyl Phthalate	0.219
Di-n-butyl Phthalate	0.024
Dienthyl Phthalate	0.126

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the director from

establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit or violation of any federal or state pretreatment requirement.

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

Pollutant	Daily Average Concentration (mg/l)
BOD	250
SS	250
Ammonia	30

(8) Exceptions to discharge criteria. (a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-213(2) and (3) of this chapter. Exceptions can be granted according to the following guidelines.

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

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

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

The user requesting the exception must demonstrate to the director that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and discharge, if exempted, will not:

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

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

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

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

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

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

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

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-213 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

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

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

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

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

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

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

(9) Relaxation of discharge criteria. The director 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.

(10) Accidental discharge. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds for

any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the director for review, and shall be approved by the director 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 to provide the protection necessary to meet the requirements of this chapter.

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

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

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

(c) Notice to employees. In order that employees of users be informed of the city'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 director 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.

(d) 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. (Ord. #3352, March 2000)

**18-214. Wastewater charges, fees, and billing.** (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the city which will enable it to comply with the revenue requirements of the Act and its

amendments. Charges and fees shall be determined in a manner consistent with regulations of the Act and policies of the city to insure that sufficient revenues are collected to defray the city'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.

(2) Classification of users. All users are to be classified by the director 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 city's cost.

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

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

(4) Charges and billing. (a) Wastewater service charge. The wastewater service charge for normal domestic wastewater is based on the water discharged to the POTW as measured by the public water supply meter, or meters, and/or by any supplementary meter, or meters, necessary to measure the amount of water discharged. The basic wastewater service charge shall be determined upon the metered flow and the schedule of charges and fees adopted by the city in title 18, chapter 1 of the Columbia Municipal Code.

(b) Extra strength surcharge. Users who discharge or cause to be discharged extra strength wastes to the sewer system in accordance with the provisions of this chapter with an appropriate permit therefore will be subject to a surcharge to compensate the POTW for above normal operating and maintenance expense incurred in treating and disposing of the discharge with credit for any reduced operating cost as a result of the constituents or characteristics discharged by the user. The surcharge for extra strength wastes will be assessed in accordance with the schedule of charges and fee calculated by the director. Users who discharge extra strength wastes without a permit shall be subject to the enforcement provisions of this chapter.

(c) Industrial cost recovery charge. All nongovernmental users identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under

Division A (Agriculture, Forestry and Fishing), Division B (Mining), Division D (Manufacturing), Division E (Transportation, Communications, Electric, Gas, and Sanitary Services), and Division I (Services), which discharge to the sanitary sewers wastes other than domestic wastes or wastes from sanitary conveniences shall be assessed an Industrial Cost Recovery Charge as required in Title 40, Part 35 of the U.S. EPA Regulations, based on a schedule of charges and fees adopted by the city.

The ICR charge will not be assessed until required by applicable federal regulations.

(d) Billing. The billing for normal domestic wastewater shall consist of a minimum wastewater service charge with rates as specified by the city, 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. This surcharge shall be based on a surcharge schedule which will be formulated by the director.

(i) Minimum charges. The minimum charge for sewer service will be stated in the schedule of rates and charges as established by the city, in title 18, chapter 1 of the Columbia Municipal Code.

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

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

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

or decision thus authorized by the director shall be made to the customer affected thereby.

(v) Exemptions. Claims for exemption from the sewer service charge because of nonavailability of sewers may be made to the director. Exemptions from the charge will be retroactive to the commencement date of the sewer service charge, or one year, whichever is less.

(5) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedure provided in this chapter. (Ord. #3352, March 2000)

**18-215. Administrative enforcement remedies**. (1) Correction of violation. In order to enforce the provisions of this chapter, the director shall correct any violation thereof. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, is strictly liable and shall be subject to any and all enforcement provisions of this chapter. The director shall be guided by the Industrial Pretreatment Enforcement Response Guide, but shall be able to exercise all remedies and enforcement actions authorized by this chapter and state and federal laws and regulations.

(2) Notification of violation. Whenever the director finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the director or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the use of liability of any violations occurring before or after receipt of the notice of violation.

(3) Consent orders. The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the non-compliance. Such orders will include specific action to be taken by the industrial user to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to § 18-215(5) below.

(4) Show cause hearing. The director may order any industrial user which causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement

action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(5) Compliance order. When the director finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(6) Cease and desist order. When the director finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith.

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(7) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount not to exceed ten thousand dollars (\$10,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the director shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property.

(8) Emergency suspensions. (a) The director may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The

director shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in subsection (9) below are initiated against the user.

(c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of the hearing described in paragraph (b) above.

(9) Termination of permit. Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the control authority. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

(a) Violation of permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater constituents and characteristics.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non compliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under paragraph (4) above why the proposed action should not be taken.

(10) Reconsiderations/appeals. (a) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the director interpreting or implementing the provisions of this chapter or in the granting or refusing of any permit issued hereunder, may file with the director 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 director's decision, action, or determination shall remain in full force and effect during such period of reconsideration and during the appeal therefrom.

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

(c) The wastewater appeals board shall be appointed by the Mayor of Columbia and approved by the city council. It shall consist of three members, one to represent industries near or in Columbia which do not discharge to the POTW, one to represent water quality regulators from governments near Columbia, and one person to represent those eligible to vote in Columbia, which person must have sufficient technical qualifications to enable them to understand the scientific basis of this chapter. The first member appointed shall serve a one year term. The second appointed shall serve a two year term. The third and subsequent years appointments shall serve three year terms. The director shall serve as nonvoting executive secretary to the wastewater appeals board. Each member of the wastewater appeals board shall receive a per diem of \$25 for each meeting called to consider appeals from wastewater department customers. The wastewater appeals board shall not meet more often than once per appeal. (Ord. #3352, March 2000)

**18-216. Judicial remedies.** (1) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court and/or Chancery Court for Maury County, Tennessee.

(2) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the director, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The director shall have such remedies to collect these fees as it has to collect other sewer service charges.

(3) Civil penalties. (a) Any industrial user who has violated or continues to violate this chapter or permit or order issued hereunder, shall be liable to the director for a civil penalty of not more than \$10,000 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The director shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(4) Criminal prosecution. (a) Violations--generally.

(i) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$10,000 per violation per day or imprisonment for not more than 3 years or both.

(b) Falsifying information. (i) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$10,000 per violation per day or imprisonment for not more than one year or both.

(ii) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000 per violation per day or imprisonment for not more than three (3) years or both. (Ord. #3352, March 2000)

**18-217. Supplemental enforcement remedies.** (1) Annual publication of significant violations. The director shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation, as defined in 40 CFR 403.8(f)(2)(vii), with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused, alone or in combination with other discharges, interference

or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) to halt or prevent such a discharge.

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

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

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(2) Performance bonds. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(3) Liability insurance. The director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(5) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the Columbia Municipal Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying said nuisance.

(6) Informant rewards. The director is authorized to pay up to \$500 for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative penalty

or civil penalty levied against the user, the director is authorized to disperse up to ten (10) percent of the collected penalty to the informant. However, a single reward payment may not exceed \$10,000.

(7) Contractor listings. (a) Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Columbia.

(b) Existing contracts for the sale of goods or services to the City of Columbia held by an industrial user found to be in significant violation with pretreatment standards may be terminated at the discretion of the municipality. (Ord. #3352, March 2000)

**18-218. Affirmative defenses.** (1) Treatment upsets. Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the director thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

(a) A description of the upset, its causes, and impact on the discharger's compliance status.

(b) The duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance is continuing, the time by which compliance is reasonably expected to be restored.

(c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the director for any noncompliance with this chapter, or an order or permit issued hereunder, by the user, which arises out of violations attributable or alleged to have occurred during the period of the documented and verified upset.

(2) Treatment bypasses. (a) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(iii) The industrial user properly notified the director as described in the paragraph below.

(b) Industrial users must provide immediate notice to the director upon discovery of an unanticipated bypass. If necessary, the

director may require the industrial user to submit a written report explaining the causes, nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the director at least 10 days in advance. The director may only approve the anticipated bypass if the circumstances satisfy those set forth in § 18-218(2)(a). (Ord. #3352, March 2000)

## CHAPTER 3

### WATER

#### SECTION

- 18-301. Board of public utilities to operate system.
- 18-302. Rates, rules and regulations, and definitions.
- 18-303. Water service rates, fees, and charges.
- 18-304. Water system rules and regulations.
- 18-305. Fluoridation of water.
- 18-306. Unauthorized use of fire hydrants.
- 18-307. Installation of fire hydrants on private property.
- 18-308. Water impact fee.
- 18-309. Water impact fee fund.

**18-301. Board of public utilities<sup>1</sup> to operate system.** There is vested in the "Board of Public Utilities," all of the powers, duties and responsibilities placed upon the Board of Waterworks and Sewerage Commissioners by Pub. Acts 1933, ch. 68, and the "Board of Public Utilities" is hereby granted full jurisdiction over the waterworks plant, distribution system, all real estate, or interest in real estate, all personal property, and all equipment and other things appertaining thereto; provided, however, that the funds derived from the sales of bonds and all revenue received from the operation of the municipal waterworks system shall at all times be kept separate and handled in the manner provided under said Pub. Acts 1933, ch. 68, and provisions of the waterworks revenue bond ordinances. (1968 Code, § 13-101, modified)

**18-302. Rates, rules and regulations, and definitions.** The rates and rules and regulations for the distribution of water and electric current by the City of Columbia, Tennessee, operating the Columbia Water System and the Columbia Power System, through the Board of Public Utilities of said City of Columbia, shall be as hereinafter set out.

The term "distributor" when used in this chapter shall mean the City of Columbia operating said Columbia Water System and said Columbia Power System, by and through the Board of Public Utilities, and the term "customer" shall mean any person, firm, partnership, corporation, or other legal entity receiving electric service or water service from the distributor.

---

<sup>1</sup>The original board was appointed on February 3, 1939, to begin serving on July 1, 1939, pursuant to the terms of the "Municipal Electric Plant Law of 1935."

See the Minutes of the Board of Mayor and Aldermen for February 3, 1939, and June 2, 1939, of record in the office of the city recorder.

(1) Restricted use of water. In times of emergencies or in times of water shortage, the city, through the board of public utilities, reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

(2) Declaration of water shortage. A water shortage may be declared by the board of public utilities with the concurrence of the mayor at such times as the water supply is deemed inadequate from its source or from the water treatment plant or because of the distribution system.

(3) Interruption of service. The city will, through its board of public utilities, endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

(4) Waiver of notice. In connection with the operation, maintenance, repair and extension of the city's water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the presumption of services without notice after such interruption. (1968 Code, § 13-102, as amended by Ord. #3330, Oct. 1999)

**18-303. Water service rates, fees, and charges. Definitions.** For the purpose of this section

(1) "Consumer" means the person actually consuming or using water.

(2) "Customer" means a person directly purchasing water from and supplied water by the Columbia Water System.

(3) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, county or municipal governments or any organized group of persons.

(4) "Suburban area" means that area outside the city limits of the City of Columbia, Tennessee.

(5) "Urban area" means that area within the city limits of the City of Columbia, Tennessee.

(6) "Residential multi-unit master meter" means two (2) or more dwelling units purchasing water through one (1) master water meter.

(7) "Commercial/industrial multi-unit master meter" means two (2) or more non-residential units purchasing water through one (1) master water meter.

**SCHEDULE A – URBAN AREA**

<u>Rate Schedule</u>	July 1, 2008	July 1, 2009
Customer Charge:		
Residential	\$ 7.45	\$ 8.25

Commercial	\$10.35	11.50
Industrial	\$51.75	57.50
Multi-Unit Charge:		
Residential per unit	\$4.00	\$4.00
Commercial per unit	\$5.50	\$5.50
Residential Commodity Charge:		
0–500,000 Gallons	\$1.76 per 1,000	\$1.95 per 1,000
All over 500,000 Gallons	\$1.61 per 1,000	1.79 per 1,000
Commercial and Industrial Commodity Charge:		
0–500,000 Gallons	\$1.76 per 1,000	\$1.95 per 1,000
All over 500,000 Gallons	\$1.61 per 1,000	1.79 per 1,000

Multi-unit charge: a multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents (\$.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

#### SCHEDULE B – SUBURBAN AREA

<u>Rate Schedule</u>	July 1, 2008	July 1, 2009
Customer Charge:		

Residential	\$11.50	\$12.75
Commercial	\$14.95	16.60
Industrial	\$51.75	57.50
Multi-Unit Charge:		
Residential per unit	\$4.00	\$4.00
Commercial per unit	\$5.50	\$5.50
Residential Commodity Charge:		
0–500,000 Gallons	\$2.28 per 1,000	\$2.53 per 1,000
All over 500,000 Gallons	\$1.88 per 1,000	\$2.09 per 1,000
Commercial and Industrial Commodity Charge:		
0–500,000 Gallons	\$2.28 per 1,000	\$2.53 per 1,000
All over 500,001 Gallons	\$1.88 per 1,000	2.09 per 1,000

Multi-unit charge: a multi-unit charge applies for each unit of a multiple unit dwelling or commercial complex purchasing water through a master water meter.

Amortization charge: An additional charge of five cents (\$.05) per one thousand (1,000) gallons of water used is applicable to the above rate to defray the City of Columbia's share of the water supply benefits provided by Tennessee Duck River Development Agency.

Late charge: A late payment charge of ten percent (10%) shall be added to each customer's bill for the amount of the bill unpaid after the bill due date specified on the bill.

#### SCHEDULE C – WATER SERVICE FOR PRIVATE FIRE PROTECTION

Unmetered private fire protection:

This rate is applicable to all consumers requiring private fire protection water service on unmetered mains in areas where Columbia Water System has adequate main capacity to meet consumers' demand for water.

<u>Rate Schedule</u>	July 1, 2008	July 1, 2009
Customer Charge:	\$6.90 per month	\$7.66 per month
Sprinkler Service:	\$.06 per sprinkler head per month	\$.06 per sprinkler head per month
Fire Hydrant:	\$8.28 per hydrant per month	\$9.19 per hydrant per month
Connection Charge:	The actual costs of making connections to consumer's unmetered fire service line or lines shall be paid by consumer.	

**SCHEDULE D – UNMETERED WATER SERVICE FOR PUBLIC FIRE PROTECTION**

All fire hydrants installed for the City of Columbia after January 1, 1989 shall be purchased and installed by Columbia Water System. The City of Columbia shall reimburse Columbia Water System the average cost for the materials, labor, transportation, design and engineering and shall make said reimbursement in sixty (60) equal payments at no interest. (Ord. #3450, March 2002, as replaced by Ord. #3640, June 2006, and Ord. #3748, April 2008)

**18-304. Water system rules and regulations.** The rules and regulations for the furnishing of water service by the distributor are hereby established as follows:

(1) Application for service. Each prospective customer desiring water service may be required to sign distributor's standard form of application for service, or contract, before service is supplied by the distributor.

(2) Deposit. A deposit of two dollars (\$2.00) or a suitable guarantee not exceeding twice the average monthly bill may be required by the distributor as a continuing security for the performance of the obligations contracted for by the customer and failure to make such deposit upon demand of the distributor shall give the distributor the right to discontinue service to the customer. Upon termination of such service the deposit may be applied by the distributor against all unpaid bills of the customer, and if any balance remains after such application, said balance shall be refunded to the customer.

(3) Billing. Bills will be rendered monthly and shall be paid at the office of the distributor within ten (10) days from the date of the bill. Failure to receive a bill will not release a customer from the payment obligation. Should bills not be paid as above, then the distributor may at any time thereafter, upon five (5) days written notice to the customer, discontinue service and apply customer's deposit to the payment of said bill.

(4) Point of delivery and customer's responsibility for distributor's property. The point of delivery of water service shall be the meter box either located on or off of customer's premises, as designated and required by the distributor. All facilities beyond said point of delivery shall be owned and maintained by the customer. All meters, connections, and other equipment furnished by the distributor shall be and remain the property of the distributor. In the event of loss or damage to distributor's meter, arising from the neglect of the customer, the cost of necessary repairs or replacements shall be paid by the customer.

(5) Right of access. Distributor's identified employees shall have access to customer's premises at all reasonable times for the purpose of reading meters, and testing, repairing or removing any or all equipment belonging to the distributor.

(6) Discontinuance of service. The distributor may refuse to connect or may discontinue service for the violation of any of these rules and regulations. Distributor may discontinue service to a customer for the theft of water or the appearance of theft devices on the premises of the customer. The discontinuance of service by the distributor for any reason does not release a customer from his obligation for the payment of bills incurred prior to such discontinuance.

(7) Re-connection charge. Whenever service has been discontinued by the distributor as provided by these rules and regulations, a charge of not less than one dollar (\$1.00) may be collected by the distributor before service is restored.

(8) Service charges for temporary service. Customers requiring water service for a period not exceeding thirty (30) days may be required by the distributor to pay all costs for connection and disconnection incidental to the supplying and removing of service.

(9) Non-liability for interruption of service. The distributor will use reasonable diligence to provide a regular supply of water, but in case the supply of water should be interrupted for any cause, the distributor shall not be liable for damages resulting therefrom. (1968 Code, § 13-104)

**18-305. Fluoridation of water.** The Columbia Water System is authorized and directed to install a fluoridation system with a rate of feed which shall give a fluoride content of 1.0 to 1.5 parts per million in all water distributed by its system.

The fluoridation system shall be installed and maintained so as to meet the approval of the Division of Sanitary Engineers of the Tennessee Department of Health. (1968 Code, § 13-107)

**18-306. Unauthorized use of fire hydrants.** It shall be unlawful for any person not authorized by the Columbia Water System to withdraw or discharge water from any fire hydrant maintained by the Columbia Water System. (1968 Code, § 13-108)

**18-307. Installation of fire hydrants on private property.** (1) In all instances and in all locations where the City of Columbia and its duly authorized officials determine that the fire hydrants should be located on private property and the owners of such private property grant to the City of Columbia a suitable easement for the location of said fire hydrant providing access, ingress and egress and all access necessary for maintenance and repair, the City of Columbia will install, at the property owner's expense, such fire hydrants and pay from the general funds of the city the fifty dollars (\$50.00) per year rental on said fire hydrant, or such amount of rental as may from time to time be lawfully established.

(2) In all cases where property owners decline to grant such easement providing ingress, egress and general access, then if such fire hydrants are located on such private property, the City of Columbia shall not bear the expense of rental of said fire hydrants. (1968 Code, § 13-109)

**18-308. Water impact fee.** Each person who shall receive development permission from the City of Columbia or who shall connect to the Columbia Water System shall pay a water impact fee in the amount and manner set forth in this section.

(1) **Definitions.** When used in this section, the following terms shall have the meanings herein ascribed to them:

(a) "Capital improvements" include planning, engineering, acquisition and construction required to expand the capacity of the Columbia Water System distribution and storage network, but does not include routine maintenance.

(b) "Development permission" is a general term which, for the purposes of this chapter, shall be defined as:

(i) Approval of the final development plan of a planned unit development.

(ii) Approval of a final site development plan for multi-family housing.

(iii) Approval of a final plat of subdivision, or

(iv) In any instance not covered by subsections (i) through (iii), above:

(A) Final approval of a change in zoning classification where such may be required, or

(B) Approval of a building permit.

(c) "Distribution and storage network" includes distribution mains, connections between distribution mains, booster pumping stations, reservoirs and tanks owned and controlled by the Columbia Water System.

(d) "Feepayer" is the property owner obligated to pay the water impact fee under this section.

(2) Payment of fee. No development permission shall be granted and no water connection shall be made until any applicable water impact fee is paid according to the provisions of this section. Payment of such fee is the responsibility of the owner of the property for which development permission or a water connection is sought. The obligation to pay the water impact fee, and payment of the fee, shall run with the land.

(3) Fee due. (a) Standard fee required. The standard fee required shall be determined by the following schedule:

Residential Development

<u>Use</u>	<u>Impact Fee Per Dwelling Unit</u>
Single Family	\$500
Duplex or Triplex	500
Mobile Home	500
Apartment or Condominium	400

Commercial and Industrial Development

<u>Meter Size</u>	<u>Impact Fee</u>
5/8"	1,000
3/4"	1,750
1"	2,500
2"	8,000
3"	17,500
4"	25,000

6"	50,000
8"	80,000
10"	115,000
12"	155,000

Over 12" will require a special study.

(b) Basis of fee calculation. In calculating the water impact fee due pursuant to this section, it shall be assumed that the property will be developed in the manner that will create the maximum impact on the water distribution and storage network under applicable laws, ordinances, regulations and permits, except to the extent that binding restrictions running with the land, or the building permit issued limit development potential to less than such maximum impact. For purposes of this section, maximum impact shall mean the permissible use of property that would generate the highest water impact fee under this section. If a fee for a development has been paid pursuant to this section prior to the issuance of a building permit for that development, the fee payer may apply to the Columbia Water System for a refund of any amount previously paid over that amount which otherwise would be due upon issuance of the building permit for that development.

(c) Special study option. In lieu of a water impact fee on the schedule set forth in paragraph (3)(a) of this section, a fee payer, or the City of Columbia, may decide to conduct a special study to determine the proportionate cost for providing new water storage and distribution capacity that is reasonably attributable to any proposed development. The special study shall be prepared according to guidelines approved by the City of Columbia Board of Public Utilities. The General Manager of the City of Columbia Board of Public Utilities shall review and approve the special study and determine the water impact fee due, based on the approved special study.

(d) Administrative fee. The Columbia Water System shall charge an administrative fee of \$15.00 an hour for every hour, or fraction thereof, exceeding the first hour required by the Columbia Water System to review a proposed development to determine the water impact fee due. The administrative fee shall be due upon the written determination by the General Manager of the City of Columbia Board of Public Utilities of the water impact fee due. The administrative fee shall apply to the special study authorized under paragraph (3)(c) of this section, and to any other water impact fee analysis or determination undertaken at the request of a fee payer.

(4) Additional to tap charges policy. The obligation to pay the water impact fee established in this section shall be in addition to and shall not replace

any responsibility for payment of tap fees or connection charges as required under Columbia Water System Tap Charges Policy, adopted August 27, 1985.

(5) Additional to main extension policy. The obligation to pay the water impact fee established by this section shall be in addition to and shall not replace any responsibility to install and finance water mains as established by the Columbia Water System Main Extension Policy, adopted December 18, 1963, as amended. However, the General Manager of the City of Columbia Board of Public Utilities shall have authority to authorize an offset against the water impact fee for those costs assumed by the feepayer to install or finance a part of the distribution and storage network. No offset shall be granted unless the feepayer has demonstrated that:

(a) The water main or other part of the distribution and storage network has been completed and approved by the City of Columbia.

(b) Payment of the costs assumed by the feepayer has been made to the City of Columbia, or

(c) Adequate security to ensure the completion of the installation has been provided to the City of Columbia.

(6) Record of payment to Columbia water system. The water impact fee shall be paid to the Columbia Water System. The Columbia Water System shall record receipt of the fee in its official records and, upon full payment of the fee, shall issue to the feepayer a certified copy of such record of receipt, which shall be used by the feepayer as evidence of payment.

(7) Use for capacity expansion. Water impact fees collected under this section shall be used by the City of Columbia exclusively for the purpose of capital improvements that expand the capacity of the water distribution and collection network and shall not be used for operations or maintenance purposes.

(8) Refund of fee. Any person who pays the fee due under this section may apply for a refund of the fee paid if the fee has not been expended by the end of the calendar year following six years from the date on which the building permit was issued to the development for which the water impact fee was paid. The amount of such refund shall be limited to that portion of the fee attributable to the building permit in question.

(9) Liberal construction. The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of the public health, welfare, safety and convenience. (1968 Code, § 13-110)

**18-309. Water impact fee fund.** There is hereby established a separately earmarked Water Impact Fee Fund into which the water impact fees paid under § 18-308 shall be collected and from which all disbursements shall be made only in accordance with the provisions of § 18-308. (1968 Code, § 13-111)

## CHAPTER 4

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Application of chapter.
- 18-410. Discontinuance of water service for noncompliance.

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

(1) "Public water supply." The waterworks as operated by the Columbia Water System to furnish water to Columbia and surrounding area.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water, water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other auxiliary intake or any reservoir which contains or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow, including but not limited to by-pass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than the public water system.

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

(5) "Person." Any and all persons, proprietorships, partnerships, joint ventures, or other entities, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

---

<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

(6) "Superintendent." The Superintendent of the Columbia Water System or his authorized representative. (1968 Code, § 8-301)

**18-402. Standards.** The Columbia Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with the State of Tennessee, which pertain to cross-connections and bypasses, and establish an effective ongoing program to control same. (1968 Code, § 8-302)

**18-403. Construction, operation, and supervision.** No person shall cause a cross-connection or by-pass, to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross-connection or bypass, is at all times under the direct supervision of the superintendent. (1968 Code, § 8-303)

**18-404. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises an auxiliary intake or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections. Such statement shall also contain an agreement that no cross-connection will be permitted upon the premises. (1968 Code, § 8-304)

**18-405. Inspections required.** Columbia Water System will have the authority to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved shall be established by the superintendent and as approved by the Tennessee Department of Health. (1968 Code, § 8-305)

**18-406. Right of entry for inspections.** The superintendent shall have the right to enter, at any reasonable time, any property served by the public water supply for the purpose of inspecting the piping system or systems therein for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed grounds for the Columbia Water System to immediately terminate water service. (1968 Code, § 8-306)

**18-407. Correction of existing violations.** Any person who now has cross-connections in violation of this policy shall be allowed a reasonable time, not to exceed thirty (30) days (unless a special extension of said time is requested in writing and granted by the Columbia Water System), within which to comply with the provisions of this policy. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent.

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

Where cross connections are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard is corrected immediately. (1968 Code, § 8-307)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

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

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

The Columbia Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service may be critical, the superintendent shall notify the occupant of the premises in writing, of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the superintendent.

If necessary, water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise, removing, bypassing, or altering of the protective device(s), so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Columbia Water System. (1968 Code, § 8-308)

**18-409. Application of chapter.** The requirements contained herein shall apply to all premises served by the Columbia Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Columbia Water System to provide water service to any premises. This chapter being essential for the protection of water distribution system against the entrance of contamination which may render the water unsafe or otherwise undesirable, shall be enforced rigidly without regard to location of the premises or to boundaries of any political subdivision served by the public water supply. (1968 Code, § 8-309)

**18-410. Discontinuance of water service for noncompliance.** Whenever any person neglects or refuses to comply with any of the provisions of this chapter, the superintendent shall discontinue the public water supply service at any premises upon which there is found a cross-connection, and service shall not be restored until such cross-connection has been discontinued. (1968 Code, § 8-310)