

TITLE 18

WATER AND SEWERS

CHAPTER

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CHAPTER 1

GENERAL ADMINISTRATION

SECTION

- 18-101. Utility department empowered to offer services.
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- 18-104. [Deleted.]
- 18-105. Penalty for delinquent bills.
- 18-106. Cross connection control board.
- 18-107. Definition of maintenance responsibilities and costs.

18-101. Utility department empowered to offer services. The utility department of the City of Lebanon is authorized and empowered to offer water services and sewer services to areas inside and outside the city limits of Lebanon, Tennessee, and to continue rendering services to areas now served, under the provisions of the following sections of this chapter. (1968 code, § 13-101)

18-102. Rules and regulations to carry out chapter. The office of the commissioner of finance and revenue and the office of the commissioner of public works of the City of Lebanon shall make such extension policies and rules and regulations as are necessary and proper for carrying out the terms and conditions of this title. (1968 code, § 13-114, modified)

18-103. Policy requirements. The following are meter connection fees:

<u>WATER</u>	<u>METER CONNECTION FEE</u>	<u>GAS</u>	<u>METER CONNECTION FEE*</u>
Residential	\$60.00	Residential	\$60.00
Commercial	\$110.00	Commercial	\$110.00
Industrial	\$260.00	Industrial	\$260.00

*All meter connection fees are non-refundable and non-transferable. (as added by Ord. #05-2548, Jan. 2006, and replaced by Ord. #08-3448, Nov. 2008)

18-104. [Deleted.] (1968 code, § 13-111, as amended by ord. 70-364, § 1, and deleted by Ord. #10-3630, Jan. 2010)

18-105. Penalty for delinquent bills. The rates for sewer services and water services set out in this chapter are net, the gross being 10% higher, and in the event the current monthly bill is not paid on or before the delinquent date shown on the bill, the gross rate shall apply. (1968 code, § 13-113)

18-106. Cross connection control board.¹ (1) Cross connection control board. A cross connection control board is hereby established.

(2) The purpose of the cross-connection control board shall be to assist the cross-connection control personnel of the City of Lebanon in establishing and operating a proper cross-connection control program, and to promote the protection of the public water system for the City of Lebanon.

(3) The board shall consist of five (5) regular members appointed by the Mayor of the City of Lebanon.

(4) The term for each member of the cross-connection control board shall be two (2) years, with the initial term of appointment expiring on January 15, 1990. It shall be permissible for a member of the board to be reappointed to serve additional terms on the board.

(5) The Board shall meet as required, but shall hold at least four (4) meetings each year.

(6) Board shall select annually a chairman from among its members, and shall establish regulations and procedures for the cross-connection control program, consistent with chapter 3 of this title, applicable Tennessee statutes, and applicable regulations for the department of public health. Any regulations and procedures promoted or established by the board shall be subject to the approval of the commissioner of public works and the Lebanon City Council.

¹Municipal code reference
Cross connections, etc: this title, ch. 3.

(7) The commissioner of public works for the City of Lebanon shall be an ex-officio member of the board, however, the commissioner shall not vote concerning the action of the board. The commissioner of public works shall remain primarily responsible for the operation and supervision of the cross-connection control program pursuant to the provisions of chapter 3 of this title.

(8) The cross-connection control board shall keep formal minutes of its meetings, which shall be available for examination by the public.

(9) The board shall have the responsibility and authority to monitor the cross-connection control program which has been established by the City of Lebanon, and to make suggestions for improvements to the commissioner of public works.

(10) The cross-connection control board shall hear complaints and petitions filed by any citizen concerning the operation of the cross-connection control program. Upon a hearing of the evidence presented by any person making an appeal, the board shall make a decision concerning the appeal and issue a final written order of determination within sixty (60) days of the final argument presented at hearing.

(11) The final orders of the board shall be the orders of compliance, subject to an appeal.

(12) Any party aggrieved by any final order or determination of the board may seek judicial review of the board's order by filing a petition to the Chancery Court of Wilson County, Tennessee. (Ord. 88-605, §§ 1-12)

18-107. Definition of maintenance responsibilities and costs. All costs and expenses incidental to the initial installation and connection of a customer to the sanitary sewer system shall be borne by the customer. After initial installation, routine maintenance of the sanitary sewer line from the customer's building to the city's sanitary sewer main is the responsibility of the customer, however, in the event that said routine maintenance requires that the customer's sanitary sewer service line from the city's sanitary sewer main to the customer's lot line be removed, modified or altered, then that portion of the customer's sanitary sewer service line from the main to the customer's lot line shall be considered the city's sanitary sewer lateral line and shall be owned and maintained by the City of Lebanon. Nothing in this code shall be construed to require the City of Lebanon to be responsible for any maintenance of the customer's sanitary sewer service line from the building facilities or home to the customer's lot line, and routine maintenance which occurs without the necessity of opening the service line ditch shall be performed by the customer at his or her cost. (as added by Ord. #94-1145, § 1, April 1994)

CHAPTER 2

WATER SERVICES

SECTION

- 18-201. Service pipes and meters--installation.
- 18-202. Meter tests; authority to estimate charges; interference with meters.
- 18-203. Service interruptions.
- 18-204. Unauthorized use of fire hydrants.
- 18-205. Fluoridation of water supply.
- 18-206. Water taps and water main extensions.
- 18-207. Water rates.

18-201. Service pipes and meters--installation. Water service pipes from the main to the meter shall be kept in repair by the water department and shall at all times be subject to its control. Only authorized personnel or employees of the water department will be allowed to turn on, turn off, repair, or relocate any water meter or apparatus connected therewith.

The water department will furnish and install at its expense the necessary meter, which shall be located on the customer's property line in the most suitable place.

The water department shall have the right of access at all times to the meter, pipes, and other equipment for the purpose of maintenance, inspection,¹ and repair.

All pipes, meters, and other equipment supplied at the expense of the water department shall remain its property, whether installed on the property of the customer or not.

The point of delivery of water shall be the outlet of the water department's meter. All pipes, apparatus, and equipment on the customer's side of the point of delivery shall be installed and maintained by and at the expense of the customer.

The water department may refuse to make connection or to commence or to continue water service whenever any installation is not in proper or safe condition; but no inspection by the water department, nor the failure to make such inspection, nor any failure by it to object to the customer's installation, nor the fact that it shall make connection with the customer's installation, shall render the water department, in any way, liable for any damage or injury resulting from any defect in such installation.

¹Water review and inspection fees and amendments thereto are of record in the office of the city recorder.

No water service shall be given to any building unless the building has a sanitary sewer outlet to an approved septic tank, approved by the state health department, or is receiving sanitary sewer service from the City of Lebanon under the provisions of this title. This paragraph is not to be construed as eliminating the requirements of this title to connect to a sewer main when it is available or convenient or practical to do so.¹ (1968 code, § 13-115, as amended by Ord. #07-3127, May 2007)

18-202. Meter tests; authority to estimate charges; interference with meters. In accordance with the regular meter testing program of the water department, all meters are tested at intervals, and may be removed for testing and another meter substituted at the option of the water department.

If a meter fails to register for any period, the water department shall estimate and charge for the water used by averaging the amounts used over similar preceding periods or over corresponding periods of previous years.

The properly authorized employees of the water department shall at all reasonable times have the right of access to the meter and its accessories for the purpose of reading, inspecting, or replacing the meter or other equipment. Any interference with the proper operation of the meter or any intentional damage to the water department-owned equipment by the customer shall at the option of the water department be cause for the removal of the meter and the discontinuance of service. (1968 code, § 13-116)

18-203. Service interruptions. Every effort will be made by the water department to insure adequate, continuous service. Because of the possibility of pipe line breaks, accidents, strikes, or other causes of interruption beyond its control, neither the water department nor the city is to be liable for any damages caused by any service interruption or lack of adequate pressure in its mains. (1968 code, § 13-117)

18-204. Unauthorized use of fire hydrants. It shall be unlawful for any unauthorized person to interfere with or in any way to use or attempt to use or turn the water on or off on any fire hydrant. (1968 code, § 13-119)

18-205. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the city, to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals and fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the water supply.

¹Municipal code reference

Mandatory connection to public sewers: section 18-502.

The cost of fluoridation will be borne by the revenues of the water department. (1968 code, § 13-120)

18-206. Water taps and water main extensions. (1) Customers and permits. (a) All persons, firms or corporations desiring to tap on to a water main of the City of Lebanon, Tennessee shall first apply to the office of the commissioner of public works or authorized agent of the City of Lebanon, Tennessee for a permit. Tap fees in accordance with the provisions set out in this section shall be paid at the time of application for such permit by those persons, firms, or corporations to whom the City of Lebanon, Tennessee will issue a permit.

(b) Inside city customers shall be defined as those persons, firms or corporations whose location for water service is situated within the corporate city limits of Lebanon, Tennessee.

(c) Outside city customers shall be defined as those persons, firms or corporations whose location for water service is situated outside the corporate city limits of Lebanon, Tennessee.

(d) Water taps to recognized utility districts, as organized under the provisions of Tennessee Code Annotated, are permitted under this section. The fee for which the water tap is to be made is to be negotiated between the city and the utility district and established by a resolution of the city council of the City of Lebanon, Tennessee.

(2) Openings, taps, bonds, and meter locations. (a) Existing water mains. (i) All openings required for tapping will be made by the applicant, after which, the city will tap the water main and run the service line from the main to the meter location.

(ii) The meter location is to be determined by the office of the commissioner of public works of the City of Lebanon, Tennessee.

(iii) All conditions set forth in title 16, chapter 2 of this code concerning the posting of a bond, the replacement of all damages, the time of replacement, and the indemnity to the city as a result of any loss provisions of this chapter concerning water taps shall remain in effect.

(b) New water mains. (i) Developers and/or contractors shall be responsible for all materials and installation of mains, service connections, and appurtenances.

(ii) The meter locations are to be approved by the office of the commissioner of public works.

(3) Assessment and collection of tap fees. (a) Before a new connection is made to the water system or an existing customer increases service requirements by expansion of the original served facilities, a tap fee shall be assessed and collected by the city. The tap fee is composed of two parts: a connection charge and an installation charge.

(b) The connection charge is paid for the purpose of enabling the city to periodically upgrade its facilities as required by the addition of new customers. The connection charge is assessed and shall be paid whenever a new tap is made to the city system or an expansion is made in the size of the original service facilities, which increases the demand on the water system.

(c) The installation charge covers the City of Lebanon's cost of labor, equipment and materials used in installing the service line and meter between the water main and the customer's side of the meter. The cost of opening and closing the ditch and any street cut and repair shall be the responsibility of the customer. Where it is not necessary for the customer to open and close the ditch and make street cuts because that work has previously been done by the city, the commissioner of public works shall establish an additional charge that represents the city's recovery of the costs of the work previously done.

(d) Service lines connected to the public water system shall be located and installed in accordance with the established standards of the city. When a service line is completed as part of the public water system, the city shall be responsible for the maintenance and upkeep for such service line from the water main to and including the meter and meter box; and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall be installed, shall belong to, and shall be the maintenance responsibility of the customer.

(e) Where a connection is made to the water main, a connection charge shall be paid in accordance with the following schedule:

STANDARD CONNECTION CHARGE SCHEDULE

<u>WATER METER SIZE, INCHES</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
3/4	\$250	*
1	\$450	*
2	\$1,800	*

Connection charges for 4 inch and larger meters are to be negotiated based on expected maximum demand with \$4,000.00 as a minimum for "inside the City" customers.

The Connection Charge for connections made outside the Corporate Limits shall be 1.2 times that charge applicable to "inside the City" charges.

(f) The installation charge consists of the cost of labor, materials and equipment involved in installing the service line, meter,

meter box and required appurtenances, and will be paid in accordance with the following schedule:

INSTALLATION CHARGE SCHEDULE [IF APPLICABLE] (ALL CUSTOMERS)

<u>Water Meter Size</u>	<u>Complete Installation</u>	<u>Installation of Meter and Meter Box Only</u>
3/4"	\$ 350.00	\$ 90.00
1"	\$ 500.00	\$ 160.00
2"	\$ 1,850.00	\$1,480.00

TAP FEE SCHEDULE FOR 4" AND GREATER

4"	\$320
6"	\$400
8"	\$450
10"	\$550
12"	\$700

It shall be the responsibility of the contractor to furnish all material required to make any tap greater than two inches (2") in diameter.

(g) Where a connection is made to the water main only for the purpose of establishing and supplying water to a private fire protection system, such as a sprinkler system, system of outside fire hydrants, or other such system, a connection charge shall be paid for the privilege of connecting the fire service to the Lebanon water system in accordance with the following schedule:

PRIVATE FIRE SERVICE CONNECTION CHARGE SCHEDULE

Fire Service Connection Charge

<u>Connection Size</u>	<u>Customer Inside Corporate Limits</u>	<u>Customer Outside Corporate Limits</u>
6"	\$ 600.00	\$1,200.00
8"	\$ 800.00	\$1,600.00
10"	\$ 1,000.00	\$2,000.00
12"	\$ 1,200.00	\$2,400.00

(4) Water main extensions. (a) Water main extension to developed areas.

(1) The provisions of this section shall apply to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivisions promotion, even though accompanied by the erection of occasional houses within such areas.

(2) Owner(s) of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of the proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The city shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension.

(3) Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon until the cost of the water main extension has been reimbursed to the city as provided by the agreement or until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the city at which time pro rata amounts of the cash deposit shall also be returned to the depositors.

(b) Water main extension to other areas.

(1) The provisions of this subsection shall apply to all areas to which the preceding section is not applicable.

(2) For water main extension under this subsection, there is hereby established a capacity fee of \$250 per equivalent single family unit (SFU) of flow on all new connections where public water does not exist in the development of new or enlarged residential, commercial or industrial improvements which may use or require or are designed to use or require forty thousand (40,000) gallons of water per month. An SFU is defined as three hundred and fifty (350) gallons per day usage.

(3) The capacity charge of \$250 per SFU distinguished from and collected in addition to the tap fees set forth in section 18-206.

(4) The capacity fee established in this section shall be due and payable upon approval of the contract required herein and is a prerequisite to such approval. The applicant shall be entitled to a credit against the capacity fee for the value of the facilities installed and conveyed to the city to the extent of fifty per cent

(50%) of the value of such facilities required to be constructed by the city, but which are in excess of the facilities actually necessary for the developer's development. Provided, however, that in no event shall the credit allowed herein exceed fifty per cent (50%) of the capacity fee computed in conformity with subsection (6) herein and in no event shall the applicant be entitled to credit to an extent greater than the value of the improvements.

(5) Upon approval of the application, the developer shall enter into a contract with the city. Nothing in this section shall be construed to create any obligation of the City of Lebanon to fund in whole or in part the construction or expansion of the water facilities.

(6) The capacity fee for water shall be calculated according to the following formula:

CAPACITY FEE FOR WATER

- A. Computation of Capacity Fee before credit, if any
 - 1. Number of equivalent SFU _____
 - 2. Capacity Fee before credit
(Line 1 x \$250 for water) _____

- B. Computation of Credit for Capacity Fee
 - 1. Total estimated materials and construction cost of all water facilities as determined by city _____
 - 2. Total estimated materials and construction cost of water facilities actually necessary to serve only the development as determined by city _____
 - 3. Subtract Line 2 from Line 1 and enter the amount _____
 - 4. Multiply Line 3 x 50 percent and enter the maximum potential credit _____
 - 5. Multiply Line 2 of Part A above x 50 percent and enter the amount _____

- 6. Enter the smaller of Lines 4 and 5 _____
- 7. Subtract Line 6 from Line 2 of Part A above and enter the amount of the Capacity Fee after deduction of credit _____

(c) Variances from and effect of preceding rules as to water main extensions. (1) Whenever the City of Lebanon is of the opinion that it is to the best interest of the Lebanon water system to construct a water main extension without requiring strict compliance with 18-206(4)(a) and (b) above, such water main extension may be constructed upon such terms and conditions as shall be approved by resolution of the Lebanon City Council.

(2) The authority to make water main extensions under 18-206(4)(a) and (b) is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or entity.

(d) Water access fee. (1) In order to provide funds for improvements to the Lebanon water system, such improvements being required periodically because of increases in needs due to expanding service requirements, the City of Lebanon hereby establishes a water line access fee, hereinafter referred to as the "Access Fee." The access fee may be established by a resolution of the Lebanon city council. The access fee may be assessed to any person or entity connecting to the water line or facilities of the City of Lebanon for the purpose of furnishing water service to a new or enlarged residential, commercial or industrial development constructed under section 18-206(4)(a), (b), or (c) above as may be established by the City of Lebanon.

(2) For the purpose of this section, a development is defined as any user of water service which takes, or plans to take, from the Lebanon water system 40,000 gallons per month, or more, of water.

(3) The access fee shall be based on the anticipated water use for the development. Such anticipated use shall be determined by the commissioner of public works and shall be based on (i) information furnished to the commissioner by the person or entity desiring to connect to the water lines or facilities, (ii) information contained in recognized state or national publications; (iii) records of similar installations; (iv) information provided from other reliable sources approved by the commissioner; (v) or by the following schedule:

STANDARD FAMILY UNIT EQUIVALENCIES

<u>Customer Type (1)</u>	<u>Customer Unit Factor</u>
Single Family Residence (S.F.U.)	1.0
Apartments of other Multiple Unit Residences (per unit)	0.8
Restaurant (per seat)	0.1
Motel (per unit)	0.3
Office Building (4) (per 100 square feet)	0.04
Commercial Store (4) (per 100 square feet)	0.02
Industrial Facilities domestic waste only (per employee, ultimate employment)	0.04

The unit of measure shall be the single family unit (SFU) which shall be equivalent to a daily use of 350 gallons.

The access fee shall be paid prior to the issuance of construction permit for installation of the water line or lines to serve the development. Funds paid to the city as access fees shall be deposited in a special account for the purpose of providing funds for additions and improvements to the Lebanon water system or for the payment of recovery amounts as provided in section 18-206(4)(b)(5) above. (1968 Code, § 13-110, as amended by ord. 86-542, ord. 87-581, ord. 86-624, ord. 91-903, and Ord. #07-3127, May 2007)

18-207. Water rates.¹ For the purpose of funding all reasonable expenses of the operation, repair and maintenance of the Lebanon water system and to provide a fund for the payment of principal and interest on bonds and other debts when due, and to maintain an adequate depreciation account, the following rates and charges are hereby established according to water usage per month. These water service charges shall be reviewed annually by the commissioner of finance and revenue of the City of Lebanon and may be modified by ordinance to reflect changing conditions.

(1) Service charge. A water service charge shall be paid by the owner or occupant of each occupied lot of parcel of land which is connected to the Lebanon water system, and all computations for such charges shall be determined by water metering readings.

¹Water and sewer rates (and amendments thereto) are of record in the office of the city recorder.

(2) Utility districts and authorities. Water sales to recognized utility districts and authorities, as organized under the provisions of Tennessee Code Annotated are permitted under this section. The rates and charges at which the water is to be sold is to be negotiated between the city and the utility districts and authorities and such rates and charges shall be established by a resolution of the city council of the City of Lebanon, Tennessee.

(3) Provisions applicable to all water customers. The water service charge is to be shown on the monthly utility bill and will be paid on the due date of the other utilities billed and will be subject to the penalty for delinquent payment as is applicable. If the service charge is not paid as herein set forth, water services to the customer will be discontinued in addition to other recourses the city may have to collect unpaid charges. Inside city customers shall be defined as those persons, firms or corporations whose location for water service is situated within the corporate limits of Lebanon, Tennessee. State and local sales tax is not included in the rate schedule and will be added when applicable. (1968 Code, § 13-112, as replaced by Ord. #87-581; Ord. #88-670; Ord. #91-859; and Ord. #96-1464, June 1996, and amended by Ord. #02-2370, June 2002, and Ord. #06-2946, June 2006)

CHAPTER 3

CROSS CONNECTION AND AUXILIARY INTAKE POLICY¹

SECTION

- 18-301. Purpose and policy.
- 18-302. Objectives.
- 18-303. Definitions.
- 18-304. Compliance with Tennessee Code Annotated.
- 18-305. Regulated.
- 18-306. Permit required.
- 18-307. Inspections.
- 18-308. Correction of violations.
- 18-309. Required devices.
- 18-310. Nonpotable supplies.
- 18-311. Statement required.
- 18-312. Fees.
- 18-313. Penalty; discontinuance of water supply.
- 18-314. Provision applicable.

18-301. Purpose and policy. This policy sets forth uniform requirements for the protection of the public water system for the City of Lebanon, Tennessee from possible contamination, and enable the city to comply with all applicable local, state and federal law, regulations, standards or requirements, including the Safe Drinking Water Act of 1974 and of 1996, Tennessee Code Annotated, §§ 68-22i-701 to 68-22i-720 and the Rules and Regulations for Public Water Systems and Drinking Water Quality issued by the Tennessee Department of Environment and Conservation, Division of Water Supply. (Ord. 86-544, § 1, as replaced by Ord. #07-3248, Nov. 2007)

18-302. Objectives. The objectives of this policy are to:

- (1) Protect the public potable water system of Lebanon, Tennessee from the possibility of contamination or pollution by isolating within the customer's internal distribution system, such contaminants or pollutants that could backflow or back siphon into the public water system;

¹Municipal code references

Cross connections control board: this title, ch. 1.

Plumbing code: title 12.

Water and sewer system administration: this title, ch.1.

Wastewater treatment: this title, ch. 4.

(2) Promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;

(3) Provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. 86-544, § 2, as replaced by Ord. #07-3248, Nov. 2007)

18-303. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled water; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Commissioner of public works" shall mean the Commissioner of the Department of Public Works for the City of Lebanon or his duly authorized deputy, agent or representative.

(9) "Cross connection" shall mean any physical connection or potential connections whereby the public water system is connected, directly or indirectly,

with any other water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(10) "Customer" shall mean any person, residence, commercial and/or industrial facility that receives water service from the City of Lebanon Water Distribution System.

(11) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(12) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(13) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 – Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or others safe outlets.

Class 2 shall be the same as Class 1, except the booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following; elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tank, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven

wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

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

(15) "Person" shall mean any and all persons, natural or artificial, including an individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(16) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(17) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(18) "Public water supply" shall mean the Lebanon waterworks system, which furnished potable water to the city for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(19) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(20) "Superintendent" shall mean the Superintendent of the Lebanon Water Department for the City of Lebanon or his duly authorized deputy, agent or representative.

(21) "Water system" shall be considered as made up of two (2) parts, the utility system, and the customer system.

(a) The utility system shall consist of the facilities for the production, treatment, storage and distribution of water; and shall include all those facilities of the water system under the complete control of the water department, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the water department distribution system that are utilized in conveying domestic water to points of use. (Ord. 86-544, § 3, as replaced by Ord. #07-3248, Nov. 2007)

18-304. Compliance with Tennessee Code Annotated. The commissioner of public works and superintendent shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The City of Lebanon shall comply with Tennessee Code Annotated, §§ 68-13-701 through 68-13-719 as well as the rules and regulations for public water systems and drinking water quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (Ord. 86-544, § 4, as replaced by Ord. #07-3248, Nov. 2007)

18-305. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Lebanon Water Department unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the water department if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made; or allow to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the superintendent of the public water system.

(3) If, in the judgment of the superintendent an approved backflow prevention device is required at the city's water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the superintendent shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the superintendent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, the superintendent shall conduct inspections and evaluations, and shall require correction of violations in accordance with provisions of this chapter. (Ord. 86-544, § 5, as replaced by Ord. #07-3248, Nov. 2007)

18-306. Permit required. (1) New installations. No installation, alteration, testing or change shall be made of any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing a suitable plumbing permit from the Lebanon Building Inspectors Office (where appropriate), approval from the Lebanon fire official (where appropriate) and a cross connection control devices test report with an installation/maintenance tag from the superintendent. A copy of the plumbing permit (where applicable) shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection. The installation/maintenance tag shall be installed on the device following installation and testing, and shall be removed only by the superintendent at the time of inspection. One (1) copy of the cross connection control devices test report shall be submitted to the superintendent upon completion of the installation and testing.

(2) Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate permits, approvals and a cross connection control devices test report and an installation/maintenance tag from the superintendent. The installation/maintenance tag shall be installed on the device following alteration, repair and/or testing, and shall only be removed by the superintendent. (Ord. 86-544, § 6, as replaced by Ord. #07-3248, Nov. 2007)

18-307. Inspections. (1) The superintendent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection shall be based on potential health hazards involved, and shall be established by the superintendent in accordance with guideline acceptable to the Tennessee Department of Environment and Conservation.

(2) Right of entry for inspections. The superintendent shall have the right to enter, at any reasonable time, any property served by a connection to the Lebanon public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections. or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections and shall be grounds for disconnection of water service. (Ord. 86-544, § 7, as replaced by Ord. #07-3248, Nov. 2007)

18-308. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of the chapter shall be allowed a reasonable time within which to comply with the provision of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, an appropriate amount of time shall be assigned by the superintendent, but in no case shall the time for corrective measures exceed thirty (30) to sixty (60) days depending on the degree of hazard.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the superintendent shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health; and may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-13-711, within the time limits established by the superintendent, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the superintendent, warrants disconnection prior to a due process hearing. (Ord. 86-544, § 8, as replaced by Ord. #07-3248, Nov. 2007)

18-309. Required devices. (1) Where the nature of the use of water supplied to a premises by the Lebanon water system is such that it is deemed:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the superintendent that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (d) There is a likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may be changed to a use wherein backflow prevention is required;

(f) The plumbing from a private well enters the premises served by the public water system, then the superintendent shall require the use of an approved protective device on the water service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(2) The protective devices shall be of the type approved by the Tennessee Department of Environment and Conservation and the superintendent, as to manufacturer, model, size and application. The method of installation of backflow prevention devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all commercial and educational buildings, construction sites, all industrial, institutional and medical facilities, all fountains, lawn irrigations systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Backflow devices shall be installed, tested and approved prior to the water meter being placed in service/activated at all locations.

Note: All connections to fire hydrants shall be metered with meters provided by the superintendent. A one thousand dollar (\$1,000.00) cash deposit/bond shall be required to assure the meter and backflow device are not damaged or destroyed by the customer.

(a) Class 1 and Class 2 fire protection systems shall generally require a double check valve assembly; except

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or others chemicals added to the tanks of the fire trucks.

(b) Class 3, Class 4, Class 5 and Class 6 fire protections systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The superintendent may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. Backflow devices should be installed outside in an approved enclosure per section (o) below unless otherwise approved by the cross connection official. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter, by a person certified by the Tennessee Department of Environment and Conservation, Division of Drinking Water Supply, or its successor. Certification shall be for completion of special training and demonstration of competency in the installation, maintenance and testing of backflow prevention devices. Evidence of current certification shall be required at the time of permit application and installation. Only licensed sprinkler contractors may install, repair, or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions, and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the superintendent, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall

have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault.

(l) All devices shall be adequately supported to prevent sagging.

(m) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(n) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(o) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by Hydrocowl or a Lebanon Water Department approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of one-fifth inch (1/5") factory manufactured polyisocyanurate insulation in the walls and roof. For backflow prevention devices two and one-half inches (2 1/2") and larger, the enclosure shall be constructed of 5052-H32 aluminum, or an approved equal material, with a minimum of one-fifth inch (1/5") factory manufactured polyisocyanurate insulation in the walls and three inches (3") factory manufactured polyisocyanurate insulation in the roof. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-on locks.

(iv) The enclosure shall be mounted to a concrete pad as specified by the manufacturer, but in no case less than four inches (4") thick. The enclosure shall be constructed, assembled, and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40°F) with an outside temperature of negative thirty degrees Fahrenheit (-30°F) and a wind velocity of fifteen (15) miles per hour.

(p) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity or discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases the superintendent may require the installation of a duplicate device.

(q) The superintendent shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel, possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply, acceptable to the superintendent. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent.

(6) Testing of devices. Devices shall be tested at least annually by a qualified person possessing valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A high risk location may require testing twice each year. A copy of this certification shall be on file with the superintendent for any person installing, repairing, or testing backflow prevention devices. Any person installing, repairing or testing backflow prevention devices shall also maintain on file with the superintendent a current copy of a valid certificate of liability insurance in an amount of not less than one million dollars (\$1,000,000.00). Records of all installations, repairs, and testing shall be submitted to the cross connection program administrator upon completion. The superintendent shall have the right to inspect and/or test a device whenever deemed necessary by the

superintendent. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. All testing and inspection services are to be at the expense of the owner or occupant of the premises. (Ord. 86-544, § 9, as replaced by Ord. #07-3248, Nov. 2007)

18-310. Nonpotable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color coding of pipelines, in accordance with Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the superintendent, such coding is necessary to identify and protect the potable water supply. (Ord. 86-544, § 11, modified, as replaced by Ord. #07-3248, Nov. 2007)

18-311. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the superintendent a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #07-3248, Nov. 2007)

18-312. Fees. A fee shall be assessed for all backflow prevention devices requiring inspection or testing by the City of Lebanon. The amount of this fee shall be set and adjusted by the city council based on the recommendations of the superintendent to reflect the cost of providing an effective cross connection control program. This fee shall be assessed as follows:

- (1) Initial installation/inspection/testing fee: \$50.00 (plumbing permit)
- (2) Testing by city due to non-compliance: \$200.00 first offense

- (3) Repair/maintenance permit: \$400.00 consecutive offenses (all fees assessed on water bill) \$10.00 (plumbing permit)

Where repeated inspections/tests are required to correct violations or deficiencies, the applicable fee shall be assessed each time the inspection/test is repeated. The superintendent or his authorized representative shall have the authority to direct the city finance department, in writing, to assess outstanding fees to the customer's water bill. (as added by Ord. #07-3248, Nov. 2007, and replaced by Ord. #09-3610, Nov. 2009)

18-313. Penalty: discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this policy shall be deemed guilty of a misdemeanor, and subject to a fine of up to five hundred dollars (\$500.00) on the first offense and one thousand dollars (\$1,000.00) for each offense thereafter within a five (5) year period. Each day of continued violation after conviction shall constitute a separate offense.

(2) Independent of and in addition to any fines or penalties imposed, the superintendent may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #07-3248, Nov. 2007)

18-314. Provision applicable. The requirements contained in this policy shall apply to all premises served by the City of Lebanon public water system whether located inside or outside the corporate limits and are hereby made part of the conditions required to be met for the Lebanon Water Department to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the superintendent is entitled to a due process hearing upon timely request. (as added by Ord. #07-3248, Nov. 2007)

CHAPTER 4

SEWER SERVICE¹

SECTION

- 18-401. Sewer taps: application for, inspection fee, deposit, cost, etc.
- 18-402. Owner to bear all installation and maintenance cost and indemnify city.
- 18-403. Written permit required for connection to or using sewer.
- 18-404. Purpose of sanitary sewers; prohibited uses.
- 18-405. Sewer service rates.

18-401. Sewer taps: applications for, inspection fee, deposit, cost, etc.

(1) Customer and permits. (a) All persons, firms or corporations desiring to tap on to a sewer main of the City of Lebanon, Tennessee shall first apply to the office of the commissioner of finance and revenue of the City of Lebanon, Tennessee for a permit. At the time of such application, if the city is willing to issue a permit for same, the applicant shall pay to the city in addition to the tap fee, a sewer inspection fee.² Tap fees in accordance with the provisions set out in this section shall be paid at the time of application for such permit by those persons, firms, or corporations to whom the City of Lebanon, Tennessee will issue a permit.

(b) Inside city customers shall be defined as those persons, firms or corporations whose location for sewer service is situated within the corporate city limits of Lebanon, Tennessee.

(c) Outside city customers shall be defined as those persons, firms or corporations whose location for sewer service is situated outside the corporate city limits of Lebanon, Tennessee.

(e) In addition to the permit requirements of this section, all firms having waste other than domestic sewage shall comply fully with chapter 5 of this title, including amendments thereto.

(2) Openings, taps, bonds, and service tap locations. (a) All openings and closings required for tapping will be made by the applicant.

(b) The sewer tap location is to be determined by the office of the commissioner of public works of the City of Lebanon, Tennessee. No sewer tap is to be closed without first being inspected and approved by

¹Ord. 88-624 provides for the construction of the sewer system, and contains special provisions related to a special sewer surcharge and other provisions peculiar to this system.

²Sewer review and inspection fees and amendments thereto are of record in the office of the city recorder.

the office of the commissioner of public works of the City of Lebanon, Tennessee.

(c) All conditions set forth in title 16, chapter 2 of this code concerning the posting of a bond, the replacement of all damages, the time of replacement, and the indemnity to the city as a result of any loss provisions of this chapter concerning sewer taps shall remain in effect.

(3) Assessment and collection of tap fees. (a) Before a new connection is made to the sewer system or an existing customer increases service requirements by expansion of the original served facilities, a tap fee shall be assessed and collected by the city. The tap fee is composed of two parts: a connection charge and, if applicable, an installation charge. In addition to the tap fee, the commissioner of finance and revenue may require a service deposit to be made before service will be initiated. The amount of the service deposit will be the estimated amount of one month's sewer service charge to be incurred by the customer. Upon the termination of service, the deposit less any unpaid charges shall be refunded to the customer.

(b) The connection charge is for the purpose of enabling the city to periodically upgrade its facilities as required by the addition of new customers. The connection charge is assessed whenever a new connection is made to the city system or an expansion or change is made in the original facilities served, which increases the demand on the sewer system.

(c) The installation charge is to cover the cost of installing the service line in instances where service lines have been installed because of consideration in the construction of the main line sewer or in other situations as provided herein.

(d) Service lines connected to the public sewer system shall be located and installed in accordance with the established standards of the city. All service lines shall be approved and inspected by the Lebanon department of public works. The customer shall be responsible for the maintenance and upkeep for the service line from the facilities served by the connection to the city's main line sewer.

(e) Where a connection is made to the sewer main, a connection charge shall be paid in accordance with the following schedule:

STANDARD CONNECTION CHARGE SCHEDULE

Customer Type (1)	Customer Inside City	Customer Outside City (3)
Single Family Dwelling (SFU)	\$ 1,500.00	\$ 2,000.00

STANDARD CONNECTION CHARGE SCHEDULE

Apartments/Multiple Unit Residences (per unit)	\$ 750.00	\$ 850.00
Duplex	\$ 2,000.00	\$ 2,500.00
Restaurant (4) (per seat)	\$ 50.00	\$ 60.00
Motel (4) (per unit)	\$ 150.00	\$ 180.00
Office Building (4) (per 100 square feet)	\$ 20.00	\$ 24.00
Commercial Store (4) (per 100 square feet)	\$ 10.00	\$ 12.00
Industrial Facilities domestic waste only (per employee, ultimate employment) (4) (5)	\$ 20.00	\$ 24.00

(1) A minimum basic charge of \$500 will be assessed for any connection inside the corporate limits, and \$600 outside the corporation. For any customer type not listed, the commissioner of public works shall establish a connection charge based on anticipated water use. Such anticipated water use shall be determined by the commissioner based on (a) information furnished to the commissioner by the applicant; (b) information contained in recognized state or national publications; (c) records of similar installation or (d) information provided from other reliable sources as approved by the commissioner. In such instances, the connection charge shall be established by dividing the anticipated daily water use as determined by the commissioner by 350 gallons times \$500 times 1.2 if the customer is located outside the corporate city limits.

(2) Equivalent SFU is defined as single family unit which shall be equivalent to a daily water use of 350 gallons.

(3) Except as noted herein, customers outside the city shall pay a connection charge 1.2 times that established for the customer type assessed an inside the city customer.

(4) In instances where the customer is an existing establishment and has 12 months of water records, a connection charge based on \$500 per SFU or fraction thereof may be used to establish the connection charge.

(5) Industrial flow shall be subject to the requirements of this title, chapter 5 including any amendments thereto. Connection charge for industrial flow acceptable to the city shall be established as provided in item (a) above.

(f) Except as provided in section 18-401(3)(d) above, an installation charge shall be made for any connection made by personnel and equipment of the City of Lebanon. In such instances, the customer will be billed at cost calculated at each connection's direct labor, machinery, and material cost plus twenty-five percent (25%) overhead charge. The commissioner shall estimate the installation charge and a deposit of that amount will be required prior to the issuance of a tap permit. Upon completion of the work, the deposit shall be applied against the installation charge with any underrun to be repaid to the customer and any overrun being paid by the customer.

(4) Sewer main extensions. (a) Sewer main extension to developed areas.

(1) The provisions of this section shall apply to sewer main extensions of 500 feet or less to areas where there is a demand for sewer service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

(2) Owners of property to be served by a proposed sewer extension of the character to which this section applies shall pay to the city an amount equal to the estimated cost of the sewer extension as determined by the commissioner of public works.

(3) The owner(s) having made such payment as set forth be entitled to recover a portion of the costs of the sewer extension not to exceed 75 percent of the payment made by the owner(s) to the city. To receive such recovery of costs, the owner(s) must enter into an agreement with the city. This agreement shall contain the following provisions:

(a) the dollar amount in which the owner(s) is entitled not to exceed 75 percent of the cost of the sewer extension;

(b) the period of time during which the owner(s) is entitled to recovery costs not to exceed 5 years from the date of the agreement;

(c) the area which the owner(s) is entitled which shall be limited to the properties adjoining the route of the

sewer extension limited to 4 inch and 6 inch gravity connections to the sewer extension;

(d) the date of payment of the recovery costs to the owner(s) that being annually within 180 days from and after the close of each fiscal year of the City of Lebanon; and

(e) the source of the recovery funds that being 75 percent of the tap fee connection collected by the city as established by this chapter including any amendments thereto and for sewer service connections made within the area defined agreement as provided herein.

(b) Sewer main extension to other areas. (1) The provisions of this part (section 18-401(4)(b)) shall apply to all areas to which the preceding part (section 18-401(4)(a)) is not applicable.

(2) For sewer main extension under this part (section 18-401(4)(b)), there is hereby established a capacity fee of two thousand dollars (\$2,000.00) per equivalent single family unit (SFU) of flow on all new connections where public sewer does not exist in the development of new or enlarged residential or commercial or industrial improvements which may use or require or are designed to use or require forty thousand (40,000) gallons of water per month. An SFU is defined as three hundred and fifty (350) gallons per day usage.

(3) The capacity fee of two thousand dollars (\$2,000.00) per SFU is distinguished from and collected in addition to the tap fees set forth in section 18-401.

(4) The capacity fee established in this section shall be due and payable upon approval of the cost required herein and is a prerequisite to such approval. The applicant shall be entitled to a credit against the capacity fee for the value of the facilities installed and conveyed to the city to the extent of fifty per cent (50%) of the value of such facilities required to be constructed by the city, but which facilities in excess of the facilities actually necessary for the developer's development. Provided, however, that in no event shall the credit allowed herein exceed fifty per cent (50%) of the capacity fee computed in conformity with section 18-401(4) herein and in no event shall the applicant be entitled to credit to an extent greater than the value of the improvements.

(5) Upon approval of the application, the developer shall enter into a contract with the city. Nothing in this section shall be construed to create any obligation of the City of Lebanon to fund in whole or in part the construction or expansion of the sewer facilities.

(6) The capacity fee for sewer shall be calculated according to the following formula:

CAPACITY FEE FOR SEWER

- A. Computation of Capacity Fee before credits, if any
1. Number of equivalent SFU _____
 2. Capacity Fee before credit
(Line 1 x \$2,000.00 for sewer) _____
- B. Computation of Credit for Capacity Fee
1. Total estimated materials and construction cost of all sewerage facilities as determined by city _____
 2. Total estimated materials and construction cost of sewerage facilities actually necessary to serve only the development as determined by city _____
 3. Subtract Line 2 from Line 1 and enter the amount _____
 4. Multiply Line 3 x 50 percent and enter the maximum potential credit _____
 5. Multiply Line 2 of Part A above x 50 percent and enter the amount _____
 6. Enter the smaller of Lines 4 and 5 _____
 7. Subtract Line 6 from Line 2 of Part A above and enter the amount of the Capacity Fee after deduction of credit _____

(c) Variance from and effect of preceding rules as to sewer extensions.

- (1) Whenever the City of Lebanon is of the opinion that it is to the best interest of the Lebanon sewer system to construct a sewer extension without requiring strict compliance with section 18-401(4)(a) and (b) above, such sewer extension may be

constructed upon such terms and conditions as shall be approved by resolution of the Lebanon city council.

(2) The authority to make sewer extensions under section 18-401(4)(a) and (b) is permissive only and nothing contained therein shall be construed as requiring the city to make sewer extensions or to furnish service to any person or entity. (1968 Code, § 13-102, as replaced by Ord. #86-541, and amended by Ord. #87-581, Ord. #02-2370, June 2002, Ord. #06-2889, May 2006, and Ord. #06-2953, Aug. 2006)

18-402. Owner to bear all installation and maintenance cost and indemnify city. All costs and expenses incident to the installation and connection to the sanitary sewer main shall be borne by the owner, including the maintenance of the line. The owner shall indemnify and save harmless the city from all loss or damages of any kind that may directly or indirectly be occasioned by the installation, connection, or maintenance of the sewer, including, but not limited to, all damages to persons or property. (1968 code, § 13-304)

18-403. Written permit required for connecting to or using sewer. No unauthorized person shall uncover, make any connection or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit in accordance with section 18-202. (1968 code, § 13-105)

18-404. Purpose of sanitary sewers; prohibited uses. The system of sanitary sewers is for collecting, carrying, and disposing of house sewage, that is the liquid waste from domestic or household and industrial service. It shall be a misdemeanor to use the sewers for any other purpose, or to place or cause to be placed in any sewer any water from rain, surface water, snow or seepage, or any swill, unground garbage, sweepings, ashes, sand, clay, cotton, wool, rags, wearing apparel, oil, grease, rubbish, or other solid matter that may not be promptly dissolved by the sewage. (1968 code § 13-106)

18-405. Sewer service rates. Monthly sewage service charge. For the purpose of funding all reasonable expenses of the operation, repair and maintenance of the Lebanon sewer system and to provide a fund for the payment of principal and interest on bonds and other debts when due, and to maintain an adequate depreciation account, the following rates and charges are hereby established according to water usage per month. These sewerage service charges shall be reviewed annually by the commissioner of finance and revenue of the City of Lebanon and may be modified by ordinance to reflect changing conditions.

(1) Sewerage charge. A sewerage service charge shall be paid by the owner or occupant of each occupied lot or parcel of land which may be connected or have access to the Lebanon sewer system and all computations for such charges shall be determined by water metering readings or other appropriate and approved methods of sewage metering.¹

(2) Provisions applicable to all sewerage customers. The sewerage service charge is to be shown on the monthly utility bill and will be paid on the due date of the other utilities billed and will be subject to the penalty for delinquent payment as is applicable to the other utilities. If said service charge is not paid as herein set forth, water, gas, and electric services to the customer will be discontinued in addition to other resources the city may have to collect unpaid charges. Inside city customers shall be defined as those persons, firms, or corporations whose location for sewerage service is situated within the corporate limits of Lebanon, Tennessee. State and local sales tax is not included in the rate schedule and will be added when applicable.

By accepting grant fund from the U.S. Environmental Protection Agency, the City of Lebanon has agreed to established and maintain a sewer user charge system in compliance with 40 CFR 35.2140 published February 17, 1984. Accordingly, \$.067 per 100 cubic feet as contained within the above sewerage rate schedules that are effective 30 days following passage of this chapter is attributable to the cost of operation and maintenance of the wastewater treatment system. (1968 Code, § 13-103, as replaced by Ord. #87-581; Ord. #88-620; and Ord. #91-859, and amended by Ord. #02-2370, June 2002, and Ord. #06-2946, June 2006)

¹Water and sewer rates (and amendments thereto) are of record in the office of the city recorder.

CHAPTER 5

WASTEWATER DISCHARGE AND TREATMENT¹

SECTION

- 18-501. Definitions.
- 18-502. Use of public sewer required.
- 18-503. Private sewage disposal.
- 18-504. Building sewers and connections.
- 18-505. Provisions and limitations on wastewater discharges.
- 18-506. Control of prohibited wastes.
- 18-507. Wastewater sampling and analyses.
- 18-508. Industrial self-monitoring requirements.
- 18-509. Protection from damage.
- 18-510. Enforcement procedures.
- 18-511. Permits.
- 18-512. User charges.
- 18-513. Industrial waste surcharge.
- 18-514. Method of billing surcharge.
- 18-515. Amendments.
- 18-516. Prevention of surface water in flow and infiltration into the sanitary sewer system.

18-501. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approving authority" shall be the commissioner of public works or a designated representative for the Tennessee Department of Health and Environment.

(3) "Baseline monitoring report (BMR)" A report submitted by categorical industrial users within 180 days after the effective date of an applicable categorical standard which indicates the compliance status of the user with the categorical standard [40 CFR 403.12(b)].

(4) "BOD" of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20 degrees C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods

¹This chapter represents ord. 90-800, which repealed in their entireties ords. 83-497 and 84-513.

described in the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association.

(5) "Categorical industrial user." An industrial user subject to categorical pretreatment standards.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with Section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories (40 CFR 403.6 and Parts 405-471).

(7) "Clean Water Act (CWA)." (Otherwise known as the Federal Water Pollution Control Act) enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(8) "Commissioner/commissioner of public works" as used in this chapter shall be synonymous with the person designated by the mayor of the City of Lebanon to be commissioner of public works.

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

(10) "Control authority" shall mean the superintendent of wastewater treatment plant or the pretreatment coordinator for the City of Lebanon.

(11) "Conventional pollutants." As defined by federal law, these include BOD, TSS, fecal coliform bacteria, oil and grease, and pH (40 CFR 401.16).

(12) "Cooling water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(13) "C" means centigrade degrees.

(14) "Customer" shall mean any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water sewerage services or who are utilizing the water and/or sewerage system of the City of Lebanon.

(15) "EPA" shall mean the United States Environmental Protection Agency.

(16) "Flow proportional composite sample." A sampling method which combines discrete liquids of a sample collected over time, based on the flow of the wastestream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow (e.g.), 200 milliliters (ml) sample collected for every 5,000 gallons discharged). The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

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

(18) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and without consideration of time.

(19) "Incompatible waste" shall mean all pollutants other than compatible waste as defined within.

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

(21) "Industrial user" (IU)." A source of nondomestic waste. Any nondomestic source discharging pollutants to POTW.

(22) "Industrial wastewater" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(23) "Interference" shall mean the inhibition or disruption of sewer treatment system processes or operations of which contribute to a violation of any requirement of the city's NPDES Permit.

(24) "May" is permission; "shall" is mandatory.

(25) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the control authority.

(26) "MG/L" shall mean milligrams per liter.

(27) "National pretreatment standards or pretreatment standards." Any regulation promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean water Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTWs. This term includes the prohibited discharge standards under 40 CFR 403.5, including local limits (40 CFR 403.3 (j)).

(28) "Ninety (90)-day compliance report." a report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, 3 that documents and certifies the compliance status of the user (40 CFR 402.12(d)).

(29) "NPDES Permit" shall mean the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(30) "Pass-through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3(n)).

(31) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or the legal representative, agents or

assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(32) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

(33) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties 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, process change or by other means, except if prohibited by 40 CFR Section 403.6(d).

(34) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

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

(36) "Self-monitoring." Sampling and analyses performed by the industrial user to ensure compliance with the permit or other regulatory requirement (40 CFR. 12(b) and (g)).

(37) "Sewage" shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(38) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

(39) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of Lebanon for sewage disposal purposes.

(40) "Significant industrial user (SIU)" shall include : (1) all categorical industrial users as defined by EPA and (2) any noncategorical industrial user which discharges 25,000 gallons per day or more of process wastewater; or contributes a process wastewater containing 300 lbs. or more of either BOD or Suspended Solids; or has a wastewater discharge with a reasonable potential, in the opinion of the control authority, to adversely affect the treatment works.

(41) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during the normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(42) "Significant non-compliance." Criteria used by the control and approval authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements.

(43) "Significant violation"

(a) Wastewater violations

(1) Chronic violations: Sixty-six percent or more of the samples exceed the same limit over a six-month period (any magnitude of exceedance)

(2) Technical review criteria (TRC) violations: Thirty-three percent or more of the samples exceed the same limit by more than the TRC in a six month period

For conventional pollutants

(BOD, SS, & fats, oil & grease) TRC = 1.4 or 40% over the limit

For all other pollutants, TRC = 1.2 or 20% over
Except pH the limit

(3) Any other violation that the control authority believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.

(4) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTWs use of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance schedule milestones, failure to start or complete construction, or attain final compliance by 90 days or more after the schedule date.

(c) Failure to provide required reports within 30 days of the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations which the POTW authority considers to be significant.

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

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

(46) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(47) "Standard solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration.

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

(49) "Treatment works" shall mean any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, out fall 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 stand-by treatment units and clear well facilities; and any works, including land that will be integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.

(50) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(51) "User" means any person discharging wastes to the City of Lebanon sewerage facilities.

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

(53) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the City of Lebanon sewerage facilities together with any groundwater, surface water, and stormwater that may be present.

Terms not otherwise described herein shall be as adopted in the latest edition of Standard Methods or other appropriate Federal Guidelines and Regulations. (Ord. 90-800)

18-502. Use of public sewer required.¹ (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lebanon, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

¹Municipal code reference

Similar provision requiring connection to public sewer: sec. 18-201.

(2) It shall be unlawful to discharge to any natural outlet within the City of Lebanon, or any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(5)(a) Any person within the jurisdiction of the City of Lebanon shall be required to connect to the city's sanitary sewer; except in specific cases where the control authority may determine that service to a potential individual user is unduly difficult or expensive and that alternative measures will not be hazardous to public health.

(b) All costs and expenses incidental to the initial installation and connection of a customer to the sanitary sewer system shall be borne by the customer. Such costs shall include, but not be limited to, the installation of a lateral service line from the sewer main to the lot line of the customer.

(c) In all new sewer installations by the City of Lebanon, at the lot line of each customer there shall be installed by the customer a six (6") inch clean out plug. Upon installation of a new service connection, the line from the sewer main to the customer's six (6") inch clean out shall be installed by the City of Lebanon at the owner's expense and shall be the property and maintenance responsibility of the City of Lebanon.

(d) In new sewer installations, the developer or contractor shall install said line and clean out at the developer's expense and said line shall become the property and maintenance responsibility of the city, for any reopening the ditch line, upon acceptance of the facility by the city.

(e) Upon the reopening of any existing sewer service connections, the customer shall install, at the customer's expense, a six (6") inch clean out connection at the property line. All maintenance, repair and installation costs of the sewer service line from the property line or clean out connection located at the customer's property line to the building shall be at the expense of the customer. Maintenance and repair from the clean out to the sewer main or lateral, upon modification, shall be the responsibility of the City of Lebanon. However, responsibility for

a service line spanning and paralleling the right-of-way shall be determined on a case by case basis.

(f) Specifications for the sanitary sewer service line and clean out line shall be determined on a case by case basis by the City of Lebanon, but in no situation involving maintenance or a new sewer installation after April 15, 1994 shall a sanitary sewer service line from the clean out plug located at the property line to the sewer main be less than six (6") inches in diameter. The customer's sanitary service sewer line from the clean out plug located at the customer's property line shall be a minimum of four (4") inches in diameter. Present sewer service lines which are not a maintenance problem and do not meet the above stated specifications shall be permitted to remain until a problem arises either concerning the maintenance of said line and/or inflow and infiltration violations, at which time the requirements stated herein shall be enforced.

(g) The specifications and requirements of this section shall govern all new construction and shall also govern when any repair or maintenance requires replacement of a significant portion of the sewer service line. The customer or property owner may be required by the plumbing inspector to bring the entire existing sewer service line up to the specifications required in this section, if it is necessary to meet the requirements of this code and/or the requirements concerning surface water inflow and infiltration limitations.

(6) Direct service connections made to the city's sanitary sewer system shall be made only by duly authorized and approved agents of the city. No maintenance or installation involving the lateral service line or sewer main shall be initiated without approval by the commissioner of public works or his duly authorized agent and representative. The city may require a reasonable cost deposit or bond to be instituted before any customer or its contractor is allowed to begin work on the public right-of-way concerning any sewer installation and/or maintenance. The cost deposit or bond shall be determined at the discretion of the commissioner of public works or his duly authorized representative and shall be a reasonable deposit or bond based upon the need to protect the roadway and present utility services. The commissioner of public works may waive the requirement for the deposit or bond.

(7) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each

vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the control authority for violation of any provision of this section or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit, in an amount determined by the control authority.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. 90-800, as amended by Ord. #94-1145, §§ 2 and 3, April 1994)

18-503. Private sewage disposal. (1) The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (Ord. 90-800)

18-504. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the control authority.

(2) All costs and expenses incident to the installation and connection 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.

(3) A separate and independent building sewer shall be provided for every building.

(4) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) 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 all 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.

(6) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the control authority for purpose of disposal of polluted surface drainage.

(8) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M and the W.P.C.F. Manual of Practice No. 9.

(9) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(10) The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(12) All cafes, restaurants, hotels, or food preparation establishments shall install a grease trap on the kitchen waste line. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The

grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be cleaned periodically by the owner or operator of the facility. Failure to make periodic cleanings which results in a stoppage of the city sewer system shall constitute a misdemeanor. If the city employees are required to clean out the city sewer lines as a result of a stoppage due to a clogged grease trap, the property owner or operator shall be further required to pay the costs of the city labor and materials required to clean out the sewer lines.

(13) All existing cafes, restaurants, hotels, or food preparation establishments shall be required to construct a grease trap within 90 days after notification by the city, at the owner's expense, if and when the control authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the city sewer system. The city shall retain the right to inspect and approve installation of the grease trap facility. (Ord. 90-800)

18-505. Prohibitions and limitations on wastewater discharges.

(1) Prohibitions on wastewater discharges. No person shall discharge or cause to allow to be discharged into the City of Lebanon sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(a) Oils and grease. Fats, wax, grease or oils or more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 56 degrees C) at the point of discharge into the system. Concentrations in excess of these amounts may be discharged only after being granted an exception as described in section 18-513.

(b) Abnormal industrial wastes. Any industrial waste having a biochemical oxygen demand (BOD), suspended solids (SS), or grease content in the excess of that normally found in municipal sewage. For the purposes of this chapter, any waste containing more than 300 mg/l of BOD, and/or having an SS content in excess of 300 gm/l, and/or a grease content in excess of 100 mg/l, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage, and may be discharged in excess of these amounts only after being granted an exception as described in section 18-513.

(c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over 10

percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Pensky Martens Closed Cup flash point shall not exceed 140 F. degrees. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(d) Noxious material. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(e) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(f) Radioactive waste. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(g) Solid or viscous wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(h) Excessive discharge rate. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(i) Toxic substances. Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works.

(j) Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems of stormwater origin, which will increase the hydraulic load on the sewerage facilities.

(k) Discolored materials. Waters with objectionable color not removable by the treatment process.

(l) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of (6) to (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(m) Thermal discharge. 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 F). Unless a high temperature is allowed in the user's wastewater discharge permit, no user shall discharge in any sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.6 C (150 F).

(2) Limitation on wastewater discharges. (a) It is prohibited to discharge or convey to the public sewer any wastewater containing pollutants of such character or quantity that will:

(1) Not be amenable to treatment or will interfere with the sewerage plant operations and/or disposal or use of municipal sludge.

(2) Constitute a hazard to human or animal life as a result of the pollutant passing through the plant to the atmosphere, or to the stream or water course receiving the treatment plant effluent.

(3) Violate the Federal Pretreatment Standards.

(4) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Health and Environment Permit, or other applicable receiving water standards.

(b) Criteria to protect the treatment plant influent. The City of Lebanon has established and listed herein limitation of the discharge of pollutants to the city's sewerage system.

If the wastewater influent to the treatment plant contains pollutants in excess of the following concentrations, or if the wastes produced create adverse effects, interfere with any wastewater treatment or collection processes, create any hazards in receiving waters or results in the city being in violation of applicable effluent standards, the City of Lebanon shall have the authority to add or modify this list of pollutants as deemed necessary:

<u>Parameter</u>	<u>Maximum*</u> <u>Concentrations</u> <u>(mg/l)</u>
Chromium	0.68
Lead	0.24
Nickel	0.74
Copper	0.55
Zinc	1.92
Silver	0.06
Cadmium	0.05
Mercury	0.01
Cyanides	0.27
Phenol (Total)	0.05
Trichloroethylene	0.03
Toluene	0.05
Methylene Chloride	0.17
Total Kjeldahl Nitrogen (TKN)	45.0
Oil and Grease	100
BOD (5-day)	**
Suspended Solids	**
Temperature	104 F.

* Values listed are based on 24-hour flow proportioned sample. Grab samples shall not exceed the values listed times 24 hours divided by the hours of discharger/industry operation per work day.

** Not to exceed 300 mg/l unless by permit. (Ord. 90-800)

18-506. Control of prohibited wastes. (1) Regulatory actions. If wastewaters containing any substance in excess concentrations as described in 18-505 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Lebanon or to any sewer system tributary thereto, the control authority shall take any action necessary to:

- (a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the control authority.

(c) Require pretreatment including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of Lebanon, plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharges of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations and additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the control authority so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

(5) Right of entry. Agents of the City of Lebanon, the Tennessee Department of Health and Environment (TDHE), and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing. (Ord. 90-800)

18-507. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the preceding standards in section 18-505(1) and 18-505(2)(a) are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the

examination of all industrial wastes shall be those set forth in 40 CFR Part 136 or equivalent methods approved by EPA. The frequency and duration of the sampling of any industrial waste shall be determined by the control authority.

(2) Control manhole. All significant industrial users shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 90-800)

18-508. Industrial self-monitoring requirements. In order to effectively administer and enforce the provisions of these regulations, the control authority shall require any discharger to comply with any or all of the following requirements:

(1) Discharge reports. The control authority shall require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. These discharge reports must be retained by the industry and be available to either the city, state or federal agencies upon request for a period of three (3) years.

(2) Monitoring programs. The control authority shall require of SIU's such technical or monitoring programs, including the submission of periodic reports, at a minimum of two times a year, reports being due on or before March 15th and September 15th, more frequent if the situation warrants. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the control authority.

The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharge may either:

(i) Conduct his own sampling and analysis program provided he demonstrates to the control authority that he has the necessary qualifications and facilities to perform the work; or

(ii) Engage a private laboratory, approved by the control authority. Should an industry be found in violation of the discharge limits, the control authority has the right to set up sampling and/or metering devices on the industry's property. If an analysis by the control authority confirms a violation of the discharge permit, the industry shall be financially responsible and shall pay all damages including sampling and analytical costs.

(a) All significant industrial users (SIU) are required to submit periodic self-monitoring reports [40 CFR 403.12(e)]:

(1) SIU's 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)].

(2) If sampling performed by an SIU indicates a violation, the SIU shall notify the POTW within 24 hours of becoming aware of the violation. The SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation [403.12(g)(2)].

(3) A SIU that monitors any pollutant more frequently than required by the POTW shall include the results of the extra monitoring in the reports.

(4) 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 manage 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.

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

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

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

(c) By a duly authorized representative of the individual in (a) or (b) above if: (1) the authorization is made in writing; (2) the authorization specified either an

individual or a position having responsibility for the overall operation of the facility and (3) the written authorization is submitted to the POTW (40 CFR 403.12(1)).

(3) Trade secrets. When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, or other document, shall be available for use by the city or the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Information and data about industrial wastewater shall not be considered to be secret information.

18-509. Protection from damage. (1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under applicable state law. (Ord. 90-800)

18-510. Enforcement procedures. (1) Notification of violation. Whenever the control authority finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the control authority or his agent may serve upon said user written notice of the violation. Within five (5) 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 control authority. Submission of his plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(2) Penalties. (a) Discharge of wastewater in any manner in violation of this chapter or any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein.

(b) Violations of this chapter and previous amendments thereto shall include but not be limited to the following violations:

- (1) Violates an effluent standard or limitation;
- (2) Violates the terms or conditions of a wastewater discharge permit;
- (3) Failure to complete a filing or report requirements;
- (4) Failure to perform or properly report any required monitoring;
- (5) Violates a final order or determination of the City of Lebanon acting as prescribed in this chapter including amendments thereto;

(6) Fails to pay any established sewer service charge or industrial waste surcharge or recovery charge;

(c) Whenever the control authority determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this chapter, the user's wastewater discharge permit, or any other applicable law or regulation, the control authority shall notify the user of such violation. Failure of the control authority to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(d) The control authority may, but shall not be required, to invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. If the user and the control authority can agree to appropriate remedial preventive measure, they shall commit such agreement to writing with provisions of a reasonable compliance schedule and the same shall be incorporated as supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within thirty (30) calendar days, the control authority shall institute such other actions as deemed necessary to ensure the user's compliance with the provisions of this chapter or other law or regulation. Such action may include the following:

(1) The commissioner shall assess a civil penalty to any person or user who is found to have willfully or negligently violated the provisions of this chapter including amendments thereto or a condition of any wastewater discharge permit issued in accordance with this chapter including amendments thereto. Such civil penalty may be assessed up to any amount not to exceed \$1,000 dollars per day after a notice of violation with civil penalty. Upon receipt of a written request within 14 days of the assessment of the civil penalty, the commissioner of public works shall convene a hearing, at which time the entity charged with a violation has the right to be present and represented by council and present evidence. At this time the commissioner of public works shall review the civil penalty. Each separate violation shall constitute a separate offense, each day of violation shall constitute a separate offense. Within 14 calendar days of a finding of violation(s) and the assessment of civil penalties resulting from such violation(s), the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. The civil penalties shall be paid within 30 calendar days of the city's board of alderman's decision. Failure to pay the civil penalties shall result in termination of all city utilities.

(2) The control authority may issue a "show cause" notice to the user directing the user to appear before the commissioner of public works at a specified date, time and place to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this chapter, or other applicable law or regulation, or condition in the wastewater discharge permit of the user. If the control authority seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, the control authority shall notify the user of such requirements. If the control authority or commission seeks to suspend or revoke the user's wastewater discharge permit, the control authority shall notify the user of the nature of the violation for which the revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation so occurred. Such notice for a "show cause" shall be mailed to the user by certified mail, return receipt registered, at least twenty (20) days prior to the scheduled hearing date. Within 14 calendar days of issuance of the determination of the show cause hearing, the person or user may appeal such finding and penalty. Such appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

(3) The control authority may cite the user to the city court of the City of Lebanon for violations of any provision of this chapter. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter.

(4) Upon resolution enacted by the Lebanon Board of Aldermen approving same, the control authority shall in the name of the City of Lebanon file in Circuit or Chancery Court of Wilson County, Tennessee or such other court as may have jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of the chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City of Lebanon as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the treatment works or for any other expense, loss or damages of any kind of nature suffered by the City of Lebanon.

(5) Consent orders. The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user

to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 18-510(2)(d)(6) below.

(6) Compliance order. When the commissioner of public works finds that an industrial user has violated or continues to violate this 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.

(7) Cease and desist orders. When the commissioner of public works finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the control authority 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 preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3) Emergency suspensions. (a) The control authority or commissioner 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 control authority 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 control authority or commissioner of public works shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Termination of Permit are initiated against the user.

(4) Criminal prosecution. 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 fifty (\$50.00) per violation per day or imprisonment for not more than thirty (30) days or both.

Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plans or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$50.00 per violation per day or imprisonment for not more than 30 days or both, and also subject to any state and federal penalties. (Ord. 90-800)

18-511. Permits. (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within 60 days after notice from the control authority, and must obtain a permit within 120 days of receiving such notice from the control authority. Application submittal is to be made a minimum of 30 days prior to the date that requested sewerage service is required.

(2) All persons within the city's area of jurisdiction, who intend to provide septic tanks for sewage disposal, shall make written request to the control authority for a septic tank permit. Upon receipt of the written request, the control authority shall determine whether the applicant is unable to connect to the city's system; if so, the permit may be granted, conditioned upon the approval by the Tennessee Department of Health and Environment and proper installation. The city shall retain the right to inspect and approve installation of the septic tank.

(3) Permit application. Industrial users seeking a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in 18-505 as determined by a laboratory approved by the control authority;
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

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

(g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Number and type of employees, and hours of work;

(j) All Tennessee Department of Health and Environment and Environmental Protection Agency permits required; and

(k) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

(l) The permit application package shall contain 40 CFR 2.203 as published in the Federal Register with such section dealing with confidential information. Any industry requiring information be confidential shall notify the commissioner of public works in writing to that effect. The commissioner will notify the applicant of his decision whether such matter is to be confidential. Within 14 days after the commissioners' decision, an appeal may be made on the commissioners' decision. Such an appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final.

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

(4) Permit conditions. Wastewater discharge permit shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer;

(b) The average and maximum wastewater constituents and characteristics;

(c) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation of inspection and sampling facilities;

(e) Pretreatment requirements;

(f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharged as specified by the control authority and, affording the city access thereto; and

(i) Other conditions as deemed appropriate by the control authority to insure compliance with this chapter.

(j) Statement of duration (in no case more than five years);

(k) Statement of non-transferability without, at a minimum, prior notification to the POTW and provisions of a copy of the existing control mechanism to the new owner or operator;

(l) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(m) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(n) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

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

The terms of the permit (a new permit, modifications to an existing permit, or revocation of an existing permit) may be appealed to the control authority. An appeal must be in writing requesting a review by the city's board of aldermen, whose decision shall be final. Such an appeal must be made within 14 days of receipt of a new modified permit or 14 days following the receipt of notice that a permit is to be revoked.

(6) 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.

(7) Revocation of permit. Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations shall be subject to having his permit revoked:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the permit.

The control authority shall notify in writing an industrial user of noncompliance with the term of a permit. Such notification shall detail the nature of such noncompliance. Depending upon the nature of the permit violation, the control authority shall provide the industry up to 30 days to respond to the permit violation. The response to the violation shall, at a minimum, address steps taken or to be taken to prevent a reoccurrence of the violation. If the permit violation is of a nature or if the industry's response is unsatisfactory, the control authority may issue a "show cause" notice to the industry to appear before the commission of public works. The purpose of the "show cause" hearing is to permit the industry to state why their permit should not be modified, suspended or revoked. The decision of the control authority may be appealed as provided in section 18-511(1) - Duration of permits.

(8) Annual publication of significant violations or significant non-compliance. The control authority 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 section 18-101(43) of this chapter, with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(9) Affirmative defenses. (a) Treatment upsets. (1) 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 control authority 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 reports shall contain:

- (i) A description of the upset, its cause(s), and impact on the discharger's compliance status
- (ii) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored

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

(2) 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 control authority for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypasses. (1) A bypass of the treatment system by an industrial user 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 damages;

(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 control authority as described in section 18-511(9)(b)(2) below.

(2) Industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(3) 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 control authority at least 10 days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in section 18-511(9)(b)(1) above. (Ord. 90-800)

18-512. User charges. (1) User charge shall be the charge levied on all users including, but not limited to, person, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewerage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The control authority of the sewerage facilities shall review not less often than every two years the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user charge system. The control authority shall revise the user charge, if necessary, to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities.

(5) All flow to the sewerage facilities not directly attributable to the users (i.e., infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.

(7) In addition to the other requirements of this section, commercial and industrial users of the sewerage system who use more than 1,000 cubic feet of water per month or have a City of Lebanon Wastewater Discharge Permit shall pay their proportionate share of the costs to operate and administer the industrial pretreatment program. Separate accounting of costs for operation of the pretreatment/industrial waste monitoring and permitting system shall be maintained by the city. After accumulation of 12 months of costs data on an annual basis after that initial 12 months, an industrial waste monitoring and permitting surcharge rate shall be established and each commercial/industrial user who uses more than 1,000 cubic feet of water per month or who has a City of Lebanon Wastewater Discharge Permit shall be levied its proportionate share of the monitoring and program cost. The rate shall be calculated as follows:

NON-PERMITTED USERS

<u>Volume</u>	<u>Total Cost</u>
First 200 cubic feet	-0-
Next 800 cubic feet	-0-
Next 3000 cubic feet	\$ 5.00
Next 8000 cubic feet	\$ 8.00
Next 17000 cubic feet	\$12.00
Next 29000 cubic feet	\$16.00

PERMITTED USERS

Non-Significant	\$20/month
Significant-Conventional	\$25/month
Categorical Industry	\$35/month

(Ord. 90-800, as amended by ord. 93-1011)

18-513. Industrial waste surcharge. (1) This section provides a method for industrial users subject to the limitations on wastewater strength parameters listed in section 18-505(2)(b) of this chapter, including amendments thereto, to apply for and receive an exception to the discharge level for one or more parameters.

(2) Applicants for an exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; provided, however, that the control authority shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the city.

(3) 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 pursuant to section 18-513(4) hereof.

(4) All applications for an exception shall be reviewed by the control authority. If the application does not contain sufficient information for complete evaluation, the control authority shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the control authority to correct such deficiencies. This thirty day period may be extended by the control authority upon application and for just cause shown. Upon receipt of a complete application the control authority shall evaluate same and render a decision within thirty (30) days. The applicant may appeal the decision as provided in section 18-510(2).

(5) The control authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(a) The control authority shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in section 18-505(2)(b) and grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(b) The control authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the U.S. Environmental Protection Agency under the provisions of section 307(a) of the Clean Water Act and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(c) The control authority shall consider 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 the pollutant in the treatment works influent and the design capacity of the treatment works;

(d) The control authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit taking into consideration the

concentration of the pollutant in the treatment works influent and the design capacity of the treatment works;

(e) The control authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to violate any regulation promulgated by EPS under provision of section 405 of the Federal Water Pollution Act.

(f) The control authority may consider the cost of pretreatment of 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;

(g) The control authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality and quantity of wastewater discharge;

(h) The control authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(i) The control authority may consider the engineering aspects or various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(j) The control authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutant discharge. However, no exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the wastewater treatment works;

(k) The control authority shall not grant an exception unless the applicant shall demonstrate to the control authority that the user is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

(l) The control authority shall review the application for an exception and may grant the applicant for an exception without a hearing provided that no person, including the applicant, shall object thereto, and provided exception with such conditions are in compliance with the provisions of this section.

(m) In the event that the applicant objects concerning conditions to be imposed upon the applicant, the control authority may conduct a

hearing to further investigate the matter. The control authority shall schedule a hearing within ninety (90) days of the date of the initial decision rendered by the commissioner of public works. The applicant and the control authority shall have the right to present relevant proof by oral or documentary evidence. (Ord. 90-800)

18-514. Method of billing surcharge. (1) In instances where exceptions have been duly granted by the control authority for the discharge of extra strength wastewater, the city shall require any person or user discharging substances in strengths greater than those permitted by this chapter to pay any additional costs for expense incurred by the city for transmission and treatment of such substances.

(a) For such permitted exceptions as contained in a duly issued wastewater discharge permit, a monthly surcharge fee for the BOD, suspended solids, and oil and grease will be computed using the formula contained in section 18-514(1)(c) and based on the rates contained in chapter 4 of this title and amendments thereto.

(b) Unless other provisions are included in the user's wastewater discharge permit, the monthly surcharge fee for each parameter (Pa) shall be based on the maximum concentration of the samples taken and analyzed by the city's industrial waste monitoring section times the monthly water consumption of the user as measured by the water meter(s) of the public water system, on the day sampling occurred. All user's involved with the payment of surcharge fees shall provide a sampling manhole in accordance with the requirements of the control authority.

(c) Wastewater surcharge fee formula for BOD, SS, Oil and Grease

Surcharge (\$)/P = (F) x (TC) x (Pa-Pm) x (D)

Surcharge (\$) total = Surcharge of BOD + Suspended Solids and Grease

P = Parameter: BOD or Suspended Solids or Grease

F = Flow in millions of gallons per day

TC = Treatment costs per pound of parameter

Pa = Parameter in parts per million

Pm = Parameter, maximum as per section 18-505(1)(b).

D = Number of days in month

Charges for other pollutants will be computed on a case by case basis.

(2) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain industrial wastes discharged to the sewerage facilities contain less than 300 mg/l of BOD, 300 mg/l of SS, or less than 100 mg/l of grease. (Ord. 90-800)

18-515. Amendments. This chapter shall be amended, as necessary, to comply with Federal Regulations. (Ord. 90-800)

18-516. Prevention of surface water inflow and infiltration into the sanitary sewer system. (1) All customer connections to the sanitary sewer system of the City of Lebanon shall be installed and maintained in such a manner as to insure no connection of roof down spouts, exterior foundation drains, or other sources of rain water, surface runoff or ground water shall have access to the building sewer line, unless such connection is approved by the commissioner of public works or his duly authorized representative.

(2) The commissioner of public works and/or his duly authorized representative is hereby directed to implement a program which shall detect and prevent the inflow and infiltration of surface water and rainwater into the sanitary sewer system for the City of Lebanon. The program shall be designed to attain the long-range goal of preventing and stopping inflow and infiltration into the sanitary sewer system. Said program shall be performed in an efficient and orderly manner to detect and define the source of inflow and infiltration, and to assist in a codes enforcement program for the prevention and correction of said inflow and infiltration.

(3) Representatives of the commissioner of public works shall be authorized to perform inflow and infiltration tests upon the sanitary sewer main and any customer sewer line connections, and during said tests, the personnel of the public works department shall be and are authorized to go upon the customer's private property to test the integrity of the customer's sanitary sewer service line and to investigate for possible sources of inflow and infiltration of rainwater and/or surface water. Prior to entering upon private property, the city employees shall notify the customer and/or property owner as to the needed inspection.

(4) Any customer who fails to cooperate with the tests and maintenance program involving the prevention of inflow and infiltration of surface water, shall be in violation of this code section, and shall be subject to the cessation of sewer service and other penalties as provided by the code.

(5) Upon detection of sources of inflow and infiltration of surface water into the sanitary sewer system of the City of Lebanon, the city engineer or sewer collection superintendent shall notify the customer concerning the subject inflow and infiltration, and shall set forth a suggested program of maintenance to prevent the inflow and infiltration, which may include but not be limited to the complete replacement of the customer's sewer service line.

(6) Upon notification to the customer and/or property owner that a surface water inflow and infiltration problem exists concerning the customer's sanitary sewer service line, the customer and/or property owner shall take the necessary steps to stop the inflow and infiltration and said corrective measures shall be accomplished within a reasonable time after written notification to the customer and property owner, but no later than ninety (90) days after the

subject notice, unless an extension of time is granted in writing by the commissioner of public works. Said written notice shall explain the penalties involved and the right of appeal concerning the subject action.

(7) Any sewer customer or property owner who has been notified of rain water and/or surface water inflow and infiltration problems involving the customer's sanitary sewer service line may appeal the decision of the city engineer or sewer collection superintendent, so long as a written appeal request is sent to the commissioner of public works on or before ten (10) days from the receipt of the written notice of violation sent to the customer. Upon receipt of an appeal request, the commissioner of public works shall hold a hearing concerning the subject violation and upon receiving all information and evidence from the city engineer and the aggrieved customer, shall make a decision concerning the required maintenance involving inflow and infiltration. The decision of the commissioner of public works shall be the final decision of the City of Lebanon concerning the requirement and need to prevent surface water and/or rain water inflow and infiltration to the sanitary sewer system. At the discretion of the commissioner of public works a temporary written waiver may be given for the subject violation, however, said waiver may not exceed a period of one hundred eighty (180) days without reapplication and renewal of the subject waiver concerning the code violation. The inflow and infiltration problem shall be repaired within a reasonable time.

(8) All costs which may be incurred by the sewer customer as a direct or indirect result of the need to prevent surface water or rainwater inflow and infiltration into the sanitary sewer system shall be borne by the customer.

(9) The failure of the sewer customer to correct the inflow and infiltration problem within ninety (90) days of the initial notice or from the final ruling of the commissioner of public works after an appeals hearing shall be construed to be a violation under this code section, unless the sewer customer and/or property owner receives a temporary written waiver from the commissioner of public works. If a temporary waiver is granted, the sewer customer or property owner must correct the inflow and infiltration problem within a reasonable time or be subject to penalty.

(10) Sewer customers who are guilty of violating this code section may be penalized, after receipt of proper notice and notification concerning the right of appeal. The penalties may include the cessation of sewer service and/or water service, as provided by Tennessee Code Annotated, § 7-35-201(2). Additionally, the customer may be issued a summons and citation to the city court for a show cause hearing as to why the condition(s) should not be corrected.

(11) Upon a show cause hearing before the city court, any violation of this code section may be penalized by a fine of fifty dollars (\$50.00) for each calendar day that the sewer customer remains in violation of the code upon receipt of written notice as described herein.

(12) In the event the commissioner of public works deems it appropriate and to the manifest and best interest of the City of Lebanon for the city

personnel to enter upon private property and repair the customer's sanitary sewer service line to prevent inflow and infiltration into the sanitary sewer system, after timely notice has been provided herein, the City of Lebanon may choose, at its option, to correct the inflow and infiltration problem and submit a bill of costs to the customer and/or property owner. Under this procedure, any costs incurred by the City of Lebanon shall be considered a lien upon the real property receiving sewer service and shall be treated as a property lien upon filing of a notice in the Register's Office Of Wilson County, Tennessee. At its option, the City of Lebanon may enforce said lien by taking any and all necessary litigation steps to sell the property which is subject to the attached lien. (as added by Ord. #94-1145, § 4, April 1994; and amended by Ord. #05-2738, May 2005)

CHAPTER 6

PROPERTY ALONG MADDOX-SIMPSON PARKWAY

SECTION

- 18-601. Property declared developmental area.
- 18-602. Special installation and tap fee(s) to be charged.
- 18-603. Initial special fee in lieu of regular fee.
- 18-604. Other fees.
- 18-605. Commercial and/or industrial sewer customers.
- 18-606. Commercial and/or industrial water customers.
- 18-607. Payment of fees.
- 18-608. Minimum fee; definition of commercial and/or industrial business.
- 18-609. Fee to be charged for all connections.
- 18-610. Loan agreement.

18-601. Property declared developmental area. Property on and along Maddox-Simpson Parkway which is denoted on the attached Exhibit A¹ shall be and is declared to be in a developmental area for installation of water and sewer. (Ord. #94-1209, Sept. 1994)

18-602. Special installation and tap fee(s) to be charged. That the customers, businesses and property owners connecting to the sewer line and water line planned for installation from Highway 231 in an eastward direction along Maddox-Simpson Parkway (Exhibit A) shall be charged special installation and tap fee(s) as defined herein for connections of water and sewer service to commercial and/or industrial businesses. (Ord. #94-1209, Sept. 1994)

18-603. Initial special fee in lieu of regular fee. The special installation and tap fee(s) defined herein for water and sewer in the noted developmental area shall be charged to those customers which initially connect to the new line for water and sewer service along Maddox-Simpson Parkway as shown in the area denoted in Exhibit A, and said special installation and tap fee(s) shall be in lieu of the regular water tap fee and sewer tap fees which are charged for installation of a customer. (Ord. #94-1209, Sept. 1994)

18-604. Other fees. In addition, the customer shall be charged all other capacity fees and/or other fees which are required under the ordinances of the City of Lebanon and said fees shall be paid in addition to the special installation and tap fees stated herein. (Ord. #94-1209, Sept. 1994)

¹This exhibit is of record in the office of the recorder.

18-605. Commercial and/or industrial sewer customers. All sewer customers for commercial and/or industrial businesses who connect to the sewer line in the developmental area shown in the attached Exhibit A shall pay a minimum special installation and tap fee of ten thousand dollars (\$10,000.00) for each sewer line tap which services the commercial or industrial business in that area. (Ord. #94-1209, Sept. 1994)

18-606. Commercial and/or industrial water customers. All water customers for commercial and/or industrial businesses who connect to the water line in the developmental area shown in the attached Exhibit A shall pay a minimum special installation and tap fee of ten thousand dollars (\$10,000.00) for each water line tap which services the commercial or industrial business in that area. (Ord. #94-1209, Sept. 1994)

18-607. Payment of fees. The commissioner of public works is authorized to receive said special fees denoted herein either in cash or in like kind where a developer has increased the value of the infrastructure by extensions in the development area at the developer's cost. (Ord. #94-1209, Sept. 1994)

18-608. Minimum fee; definition of commercial and/or industrial business. Customers connecting to both water and sewer service in the developmental area shall pay a special fee of a minimum of ten thousand dollars (\$10,000.00) for each service. For purposes of definition concerning this chapter, a commercial and/or industrial business shall be and is defined as any business or industrial operation which is classified and allowed under the business and/or industrial zoning for the city of Lebanon, regardless of the present zoning of the property upon which the business and/or industry proposes to build. (Ord. #94-1209, Sept. 1994)

18-609. Fee to be charged for all connections. The special installation and tap fees for water and sewer service shall be charged for all connections made along the subject water line and/or sewer line along Maddox-Simpson Parkway and any extensions thereof shown in the developmental area noted on the attached Exhibit A. (Ord. #94-1209, Sept. 1994)

18-610. Loan agreement. (1) The City of Lebanon does hereby agree to enter into a loan agreement with the Industrial Park Operations Board for the purpose of receiving monies to develop the infrastructure along Maddox-Simpson Parkway toward the Industrial Subdivision. Said loan agreement shall be subject to repayment from the special installation and tap fees charged under this chapter, and said agreement shall also allow the Industrial Park Operations Board to collect a repayment amount from said fees not to exceed 200% of the original loan amount so long as the monies received from the special fees are

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used only for the development of additional sewer/water infrastructure to support industrial and/or commercial development along or in the area of Maddox-Simpson Parkway.

(2) The mayor and commissioner of finance are hereby authorized to enter into a loan agreement with the Industrial Park Operations Board which shall allow the City of Lebanon to receive the sum of one hundred thousand dollars (\$100,000.00) for the express purpose of installing sewer and/or water lines along Maddox-Simpson Parkway easterly from Highway 231. (Ord. #94-1209, Sept. 1994)

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CHAPTER 7

STANDARD TERMINATION PROCEDURES FOR UTILITIES¹

SECTION

- 18-701. Billing.
- 18-702. Delinquent bills and termination of service.
- 18-703. Termination hearing.
- 18-704. Termination of services.
- 18-705. Post-termination hearing.
- 18-706. Restriction on termination.

18-701. Billing. Bills will be rendered monthly and shall be paid at city hall or other locations designated by the city. Failure to receive a bill will not release the customer from payment obligation or from payment terms. Bills will be placed in the mail 15 days before the due date. The gross amount shall apply after the due date as shown on the bill. If the due date of the bill falls on a weekend or a holiday or day that city hall is closed, the due date shall be extended to the next day on which city hall is open. Payments postmarked by the due date shall receive the discount. (Ord. #91-869, § 1, July 1991)

18-702. Delinquent bills and termination of service. If a utility bill remains unpaid after the due date, a notice shall be mailed to the customer giving five (5) days' notice that service will be terminated if the bill remains unpaid. (Ord. #91-869, § 1, July 1991)

18-703. Termination hearing. If within said five day period, the customer notifies the city of a dispute in the bill or other reason why service should not be terminated and requests a hearing prior to termination of service, said service shall not be terminated until completion of the hearing process. Said hearing shall be scheduled by the hearing officer within 48 hours, Saturdays, Sundays and holidays excluded, and shall be held at city hall between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday. The hearing officer shall be the supervisor of customer service or his/her designee. A customer requesting a hearing has a right to examine the city's records pertaining to his or her utility accounts and has the right to be represented by counsel or other person to speak on his or her behalf and to testify and present witnesses. The hearing officer will hear the evidence and render a written decision in the presence of the customer. If the customer desires, he may immediately demand an appeal hearing which shall be held within 48 hours,

¹Municipal code reference

Discontinuance of service: section 18-104.

Saturdays, Sundays and holidays excluded. Said appeal shall be heard by the commissioner of finance and revenue or his duly appointed designee in his absence who shall rehear the evidence and render a final decision. Following said final decision, the customer shall have 24 hours to comply with said decision of the appeals hearing officer or suffer termination of utilities. (Ord. #91-869, § 1, July 1991)

18-704. Termination of services. The City of Lebanon will not discontinue service to a user for nonpayment of services until:

(1) A second notice which serves as a "notice of intention to discontinue service" has been mailed to the user stating that service shall be discontinued unless payment is received within five (5) days.

(2) If the user does make payment at this time, a ten dollar (\$10.00) service charge will be added.

(3) Upon receipt of the cutoff list report the serviceman will proceed to cut off and lock at the meter unless notified by the utility billing department that payment arrangements have been made.

(4) Any water/gas service that cannot be locked out must be reported to the utility billing department supervisor.

(5) No employee is allowed to collect any monies in the field. All payment must be made at city hall in the billing department.

(6) Once payment is received the utility billing department will notify the water/gas department servicemen and water/gas service will be restored.

(7) There shall be a reconnection fee of thirty dollars (\$30.00) if said reconnection is made during normal working hours of 7:30 A.M. to 4:30 P.M. Payments must be received by 3:30 P.M. in order for service to be restored that day. Otherwise service will be restored the following business day.

(8) Utility service will not be restored on any non-working day or during non-working hours unless prior approval from the utility department supervisor or the water distribution/gas manager. Any such authorization will result in a reconnection fee of fifty dollars (\$50.00). (Ord. #91-869, § 1, July 1991, as amended by Ord. #06-3013, Nov. 2006, and replaced by Ord. #10-3630, Jan. 2010)

18-705. Post-termination hearing. Post-termination hearings shall be handled in the same manner as pre-termination hearings set out above except service need not be restored until conclusion of the hearings and satisfactory financial arrangements have been made. (Ord. #91-869, § 1, July 1991)

18-706. Restriction on termination. If it becomes necessary to terminate utility services under these regulations, such services shall not be terminated if the ambient temperature is below 32 degrees F.

Termination shall be postponed until the next appropriate time when such weather conditions do not exist. (Ord. #91-869, § 1, July 1991)