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SEWER USE RULES AND REGULATIONS FOR WASTEWATER COLLECTION SYSTEMS

Updated through October 1, 2020, with amendments to date

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HAMILTON COUNTY
WATER & WASTEWATER TREATMENT AUTHORITY
SEWER USE RULES AND REGULATIONS

SECTION I: GENERAL PROVISIONS

A. Purpose and Policy:

1. The purpose of this Section is to set uniform requirements for users of the Hamilton County Water & Wastewater Treatment Authority ("WWTA") wastewater collection system to enable the WWTA to comply with the Provisions of the Clean Water Act and other applicable federal, state, and local laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the wastewater collection system and treatment works and by regulating the quality of construction of extensions to the system.

2. These Regulations provide a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits, among other things. These Regulations establish effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned collection system (hereinafter referred to as POCS) and the Regional Wastewater Treatment Facility (hereinafter referred to as RWTF) which will interfere with the operation of the POCS and RWTF or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POCS which will pass through the RWTF into the receiving waters or the atmosphere, or otherwise be incompatible with the RWTF; and to improve opportunities to recycle and reclaim wastewaters and the sludge resulting from wastewater treatment.

3. These Regulations provide measures for the enforcement of its provisions and abatement of violations thereof and promote the principles of the WWTA.

4. Assure the efficient use, administration, operation, enlargement, extension, and preservation of the WWTA's Wastewater System.

5. Assure the WWTA's compliance with all applicable federal, state, and local statutes, laws, regulations, ordinances and with any other requirements of orders, consent decrees, and/or mandates established by the Environmental Protection Agency (EPA) or the Tennessee Department of Environment and Conservation (TDEC), including permits for authorization to discharge under the National Pollutant Discharge Elimination System (NPDES) and State Operating Permit (SOP); and its customers' compliance with these Rules and Regulations, Rate Schedules for wastewater service

adopted by the WWTA Board and any rules of procedure established by the WWTA Board to implement these Rules and Regulations.

6. Promote fair, reasonable, and uniform treatment of customers in the same rate classes within the WWTA's Wastewater System.

7. Protect the environment through the professional management of our wastewater system and maintain public confidence in the WWTA's Wastewater System.

8. Encourage economic development by promoting extensions of the WWTA's Wastewater System.

9. Simplify, clarify, and modernize the policies governing the operation of the WWTA's Wastewater System.

10. Assure that the WWTA's Wastewater System operating practices are as uniform as possible.

11. Promote the continued evolution and development of WWTA's Wastewater System operating guidelines and practices.

B. Scope:

The WWTA Rules and Regulations, and all amendments; hereto, apply to the application, implementation, and operation of the WWTA's Wastewater System and the provision of wastewater service to the WWTA's customers.

C. Permitted Use of the Publicly Owned Collection System

Any premise on a lot contiguous to property with a WWTA public sewer may be granted permission to connect with such sewer and convey into the same drainage from all plumbing fixtures on the premises. Connection to a public sewer may be required by the Chattanooga-Hamilton County Health Department for health or environmental reasons. All permitted or required connections and use of the POCS shall be in accordance with the provisions of these Regulations.

D. Definitions

For purposes of these Regulations the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

1. **Access to Customer's Premises.** The WWTA shall be granted access to the customer's premises at all times for the purpose of:
    i. reading meters; and,

ii. testing, inspecting, repairing, and maintaining all equipment belonging to the WWTA; and,
iii. clearing hazards away from the WWTA's wastewater facilities, and removing and replacing all equipment belonging to the WWTA; and
iv. inspecting the customer's and/or user's wastewater facilities including but not limited to private service laterals, grinder pumps, private wastewater facilities, on the customer's premises.

2. **Accumulative Amount Due.** WWTA reserves the right to accumulate bills until the total amount due exceeds $5.00.

3. **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

4. **Approval authority.** The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

5. **At large member.** One of five members appointed by the County Mayor according to the WWTA Law.

6. **Authority**. Subject to the limitations set forth in the *Tennessee Code Annotated [T.C.A.], Section 68-221-101, et. seq.*, these Rules and Regulations, applicable Rate Schedules, and any other official WWTA Board action and/or Resolution, are to be implemented and enforced by the WWTA Department staff and/or their designees as authorized by the WWTA Board.

7. **Authorized representative of industrial user.** An authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice President, if the industrial user is a corporation; (2) A general or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

8. **Bills Due On Presentation**. Sewer Bills for wastewater service are due and payable upon presentation. None receipt of a sewer service bill will not relieve the customer of the payment obligation.

9. **Board.** Hamilton County WWTA Board of Commissioners.

10. **Categorical standards.** National Pretreatment Standards.

11. **Closing Bill Payable on Presentation**. Closing bills, special bills, bills rendered on vacation of Premises, or bills rendered to persons discontinuing the service, shall be due and payable upon presentation. Bills for connection or reconnection of service and

payments for deposits or to re-establish credit as required under the rules of WWTA shall be paid before service will be connected or reconnected.

12. **Collection system.** Any devices and systems used in the storage, treatment, and conveyance of domestic sewage or industrial wastes of a liquid nature, including interceptor sewers, outfall sewers, sewage collection systems, pumping stations, and other equipment and appurtenances; and extensions, improvements, remodeling, additions and alterations thereof.

13. **County.** Hamilton County, Tennessee, a political subdivision of the State of Tennessee.

14. **Compatible pollutant.** Biochemical oxygen demand, suspended solids, PH and fecal coliform bacteria; plus any additional pollutants identified in the publicly-owned treatment work's 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.

15. **Conflict**. In addition to these WWTA Rules and Regulations, the following documents, listed in order of precedence, are hereby made part of all contracts and are enforceable through all contracts, actual or implied, for customers and users receiving wastewater service from the WWTA and apply to all wastewater services received by customers, whether the service is based upon contract, agreement, signed application or otherwise:

    i. the WWTA Rate Schedules; and,
    ii. these Rules and Regulations as may be amended from time to time; and,
    iii. any rule of procedure established by the WWTA to implement these Rules and Regulations.

    In the event of a conflict between the documents listed above, the order of precedence shall govern.

16. **Control authority.** The term "control authority" shall refer to any designee of the WWTA Board.

17. **Contractor**. Any class of user of the POCS.

18. **Customer's Responsibility for Compliance with WWTA Rules and Regulations**. Every customer shall comply with these Rules and Regulations, Rate Schedules adopted by the WWTA Board, and any rules of procedures established by the WWTA Board to implement these Rules and Regulations.

19. **Customer's Responsibility for WWTA's Property**. All meters, service connections, sewer lateral pipes, and other equipment deemed to be owned by the

WWTA shall be and remain the property of the WWTA. The customer shall provide a space for and exercise proper care to protect the WWTA's property on the customer's premises; and in the event of loss or damage to the WWTA's property, arising from neglect of customer to care for said property, the cost of necessary repairs or replacements shall be paid by the customer.

20. **Delinquent Administration Fee**. WWTA will require payment of a Delinquent Administration Fee when the customer has been submitted for disconnection of water service due to nonpayment of wastewater bill. This reconnection charge must be paid once submitted regardless of whether the water is disconnected or not.

21. **Developer.** One who advances or furthers the extension of the existing Hamilton County sewer system for his/her own purposes.

22. **Direct discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

23. **Environmental Protection Agency, or "EPA."** The Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

24. **Garden meter.** A meter installed by a Utility District to measure flows that do not enter a POCS.

25. **Grab sample.** A sample taken on a one-time basis from a waste stream with no regard to the flow or consideration of time.

26. **Health and Safety**. All WWTA Rules and Regulations and procedures are established and implemented to address issues affecting health and safety; including (without limitation), all provisions relating to inspection, general safety precautions for utilization, operation and maintenance of the WWTA's Wastewater System. The WWTA shall not be responsible for the health and safety issues, or any loss, damage, or injury resulting from any violation of the WWTA's Rules and Regulations. The WWTA reserves the right, in its discretion, to refuse to furnish wastewater service or to discontinue furnishing water service and/or wastewater service, if applicable, where the customer fails to comply to all WWTA's Rules and Regulations.

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

28. **Incompatible pollutant.** All pollutants other than compatible pollutants as defined in number 7 of this section.

29. **Indirect discharge.** The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317), into

the POCS (including holding tank waste discharged into the system) for treatment before a direct discharge to the waters of the state.

30. **Individual Liability for Joint Service**. Where two or more persons join in one application or contract for service, they shall be jointly and severally liable thereunder and shall be billed by means of a single periodic bill mailed to the person designated on the application to receive the bill. Whether or not WWTA obtained a joint application, where two (2) or more adults occupy the same Premises, they shall be jointly and severally liable for bills for sewers supplied.

31. **Industrial user.** A source of indirect discharge, which does not constitute a "discharge of pollutants" under regulations, issued pursuant to section 402, of the Act.

32. **Interference.** Inhibition or disruption of the sewer system treatment processes or operations or which contributes to a violation of any requirement of the WWTA'S or the RWTF's NPDES Permits. The term includes prevention of sewage sludge use or disposal by the POCS in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state or local criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POCS.

33. **Late Payment Penalty**. A late payment penalty of 10% will be applied to the monthly Sewer Usage Charges of a Customer Account if the Customer's payment is not received by the date indicated on the Customer Account billing.

34. **Mass emission rate.** The weight of material discharged to the public sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

35. **Maximum concentration.** The maximum amount of a specified pollutant concentrated in a volume of water or wastewater.

36. **National Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to Industrial Users.

37. **New source.** Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c)(33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the permission to connected with such sewer and convey into the same drainage from all plumbing fixtures on the date of promulgation of the standard.

38. **National Pollution Discharge Elimination System or NPDES permit.** A permit issued to a POCS pursuant to section 402 of the Act (33 U.S.C. 1342).

39. **Off-site.** Describes a location as being off of the developer's property.

40. **On-site.** Describes a location as being on or a part of the developer's property.

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

42. **Pollution.** A man-made or man-induced alteration of the integrity of water be it chemical, physical, biological, or radiological.

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

44. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POCS. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. section S4036 (d).

45. **Pretreatment requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

46. **Private Service Lateral** – A gravity sewer conveying wastewater from the premises of a user to a public sewer.

47. **Property Owner.** "Property Owner" shall mean the owner of the property and/or tenant and where applicable "property owner" shall mean the party responsible for payment of the sewer bill.

48. **Public sewer.** Any sewer and its appurtenances which are part of the POCS.

49. **Public sewer extension.** Any sewer and its appurtenances which are being constructed with the intention of being connected to and dedicated as a part of the publicly owned collection system.

50. **Publicly owned collection system or POCS.** A collection system as defined by section 212 of the Act (33 U.S.C. 1292) and by number 43 of this section that is owned in this instance by the WWTA. This definition includes any sewers that convey wastewater to the RWTF, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

51. **Reclaimed water.** Water, which as a result of treatment of waste, is suitable for direct beneficial uses or controlled use that would not occur otherwise.

52. **Regional Wastewater Treatment Facility (RWTF).** The operator and staff of the facility are used to treat the wastewater from the POCS.

53. **Registered Engineer.** A person registered with the State of Tennessee as an engineer, and meeting all requirements for such designation as specified by the Board of Architectural and Engineering Examiners.

54. **Returned Check Charge**. If a check, tendered in payment of amounts owing WWTA, is not honored by a bank and is returned to WWTA unpaid, WWTA will add to the Customer's bill a charge for processing each such returned check consistent with these rules. Where service is subject to discontinuance, the returned check charge shall be included in the total amount due and payable.

55. **Service lateral.** See "Private Service Lateral" above..

56. **Service tee (or service junction).** A pipe fitting installed in the public sewer for the purpose of connection of a sewer service line.

57. **Severability**. If any clause, sentence, paragraph, section or part of these Rules and Regulations, any applicable WWTA Rate Schedule, or any rules of procedure shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these Rules and Regulations or the applicable WWTA Rate Schedule, or the applicable rules of procedure.

58. **Sewer service line.** See "Private Service Lateral" above.

59. **Standard Industrial Classification.** A classification pursuant to the standard Industrial Classification Manual issued by the Executive office of the President, Office of Management and Budget, 1972.

60. **Superintendent.** The person designated by the Executive Director in accordance with the WWTA Law.

61. **Toxic pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the Provisions of 33 U.S.C. 1317.

62. **Twenty-four hour, flow proportional composite sample.** A sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

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

64. **User.** Any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a public sewer.

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

66. **Wastewater.** Waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

67. **Water & Wastewater Treatment Authority ("the WWTA")**. The entity established by Hamilton County pursuant to the WWTA Law.

68. **WWTA Board of Commissioners.** The governing body of the WWTA, the powers and duties of which are defined in the WWTA Law.

69. **WWTA Law.** Tennessee Code Annotated, Section 68-221-601, et sequitur.

70. **Wastewater constituents and characteristics.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

71. **Waters of the State of Tennessee.** Any water, surface or underground, within the boundaries of the State.

72. **Wheelage and Treatment Rate.** Applicable fees paid by the WWTA to the RWTF, City of Chattanooga, or other governing entity for the conveyance or treatment of wastewater. Revision 07/16/2014

E. Abbreviations

The following abbreviations shall have the following meanings:

1. BOD - Biochemical oxygen demand.
2. CFR - Code of Federal Regulations.
3. COD - Chemical oxygen demand.
4. EPA - Environmental Protection Agency.
5. GMP - Good Management Practices.
6. l - Liter.
7. MBAS - Methylene-blue-active substances.
8. mg - Milligrams.
9. mg/1 - Milligrams per liter.
10. NPDES - National Pollutant Discharge Elimination System.
11. POCS - Publicly owned collection system.
12. PSLP – Private Service Lateral Program
13. RWTF - Regional Wastewater Treatment Facility
14. SIC - Standard Industrial Classification.
15. SWDA - Solid Waste Disposal Act 42 U.S.C. 6901. et seq.
16. USC - United States Code.
17. WWTA - Water & Wastewater Treatment Authority.

SECTION II: PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE PUBLICLY OWNED COLLECTION SYSTEM

A. Purpose and Policy

1. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required by the WWTA or the RWTF to achieve the goals established by this Section and the Clean Water Act. Pretreatment permits will be issued by the RWTF.

2. The specific prohibitions and limitations of this Section are subject to change as necessary to enable the WWTA and the RWTF to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the WWTA to meet requirements contained in its NPDES Permit.

3. The WWTA Board and the RWTF shall review said limitations from time to time to insure that they are sufficient to protect the operation of the collection system treatment facility, that they are sufficient to comply with NPDES permit, that they are sufficient to provide for a cost effective means of operation, and that they are sufficient to protect the public health and the environment.

4. The WWTA Board shall recommend changes or modifications to the RWTF, as necessary.

B. Prohibited Pollutants

No person shall introduce into the POCS any of the following pollutants which acting either alone or in conjunction with other substances present in the POCS or the RWTF interfere with the operation of the POCS or the RWTF as follows:

1. Pollutants which create a fire or explosion hazard.

2. Pollutants which cause corrosive structural damage, but in no case discharges with a pH lower than 5.0 or higher than 10.5.

3. Solid or viscous substances which cause obstruction to the flow of the sewers, or other interference with the operation of the POCS or damage to the POCS, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances.

4. Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with the POCS or RWTF, constitute a health hazard, or create a public nuisance.

5. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POCS or RWTF.

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

C. Wastewater Constituent Evaluation

1. The wastewater of every Industrial User shall be evaluated upon the following criteria:

   a. Wastewater containing any element or compound which is not adequately removed by the RWTF which is known to be an environmental hazard.

   b. Wastewater causing a discoloration or any other condition in the quality of the RWTF's effluent such that receiving water quality requirements established by law cannot be met.

   c. Wastewater causing conditions at or near the RWTF, which violate any statute, rule, or regulation of any public agency of this State or the United States.

   d. Wastewater containing any element or compound acting as a lacrimator known to cause nausea or odors that constitute a public nuisance.

   e. Wastewater causing interference with the effluent or any other product of the RWTF treatment process' residues, sludges, or scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process.

   f. Wastewater having constituents and concentrations in excess of those listed in Section II.M, or cause a violation of the limits in Section II.N.

2. The RWTF or the WWTA Board shall establish reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this Section.

D. National Pretreatment Standards

1. Certain Industrial Users are now or hereafter shall become subject to National Pretreatment Standards promulgated by the Environmental Protection Agency specifying quantities of concentrations of pollutants or pollutant properties which may be discharged into the POCS. All Industrial Users subject to a National Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this Section.

2. Compliance with National Pretreatment Standards for existing sources subject to such standards, or for existing sources which hereafter become subject to such standards, shall be within three years following promulgation of the standards, unless a shorter compliance time is specified in the Standard. Compliance with National Pretreatment Standards for new sources shall be required upon promulgation of the standard.

3. Except where expressly authorized by an applicable National Pretreatment Standard, no Industrial User shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

E. Prohibitions on Storm Drainage and Ground Water

1. Storm water, ground water, rainwater, street drainage, roof top drainage, basement drainage, sub-surface drainage, or yard drainage shall not be discharged through direct or indirect connections to a public sewer.

2. A Private Service Lateral Program (PSLP) shall be implemented to facilitate the prohibition of discharges of extraneous flows to the Public Sewer System. The specific requirements of the PSLP shall be as defined in Section VIII of these regulations.

F. Swimming Pool Drainage

Drainage from swimming pools or swimming pool filters shall not be discharged through direct or indirect connections to a public sewer.

G. Unpolluted Water

Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a public sewer. If no other reasonable alternative for removal of such drainage exists, such discharge may be permitted by the user's wastewater discharge permit and the user for the volume thereof shall pay an appropriate fee.

H. Limitation on Radioactive Waste

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

1. When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission; and,

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

3. When a copy of permits received from said regulatory agencies have been filed with the Superintendent; and,

4. The WWTA Board has to grant a special permit.

I. Limitations on the Use of Garbage Grinders (Garbage Disposals)

Waste from garbage grinders (garbage disposals) shall not be discharged into a public sewer. Waste from garbage grinders (garbage disposals) may be approved for discharge into a public sewer by restaurants which generate waste in preparation of food consumed on the premises, and then only where applicable fees therefore are paid. Such grinders (garbage disposals) must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewers. Garbage grinders (garbage disposals) shall not be used for the grinding of plastic, paper products, inert materials, or garden refuses. This provision shall not apply to domestic residences. Revision 12/18/2013

J. Limitations on Point of Discharge

No person shall discharge any substance directly into a manhole or other opening in a public sewer other than through an approved sewer service line, unless issued a temporary permit by the Superintendent. The Superintendent shall incorporate in such temporary permit such conditions as deemed reasonably necessary to insure compliance with the provisions of this Section and the user shall be required to pay applicable charges and fees therefore.

K. Septic Tank Pumping, Hauling, and Discharge

1. No person owning vacuum or "cesspool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POCS, unless such person shall first have applied for and received a Truck Discharge Operation Permit from the Superintendent.

2. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the Superintendent, pay appropriate fees, and agree in writing to abide by

the provisions of this Section and any special conditions or regulations established by the WWTA.

3. 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 year from date of issuance, provided that the Superintendent shall subject to revocation by the Superintendent for violation of the provision of this Section or reasonable regulation establish such permit. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

4. The Superintendent 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.

L. Other Holding Tank Waste

1. No person shall discharge any other holding tank waste into the POCS unless issued a permit by the Superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge.

2. 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 therefore, and shall comply with the conditions of the permit issued by the Superintendent.

3. No permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made at a designated location.

M. Limitations on Wastewater Strength

No person or user shall discharge wastewater in excess of the concentration set forth in Table I unless an exception has been granted the user under the provisions of Section III or the wastewater discharge permit of the user provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

TABLE I

Parameter	Maximum Concentration (24 hr Flow, Proportional Composite Sample) mg/l	Maximum Instantaneous Concentration (Grab Sample) mg/l
Biochemical Oxygen Demand	*	--
Chemical Oxygen Demand	*	--
Suspended Solids	*	--
Arsenic (As)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chromium-Total (Cr)	5.0	10.0
Chromium-Hexavalent (Cr+6)	0.05	0.10
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hg)	0.1	0.2
Nickel (Ni)	5.0	10.0
Selenium (Se)	1.0	2.0
Silver (Ag)	1.0	2.0
Zinc (Zn)	5.0	10.0
Oil & Grease (Petroleum and/or Mineral)	100.00	200.00

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*Limited by design capacity.

N. **Criteria to Protect the RWTF**

1. The RWTF influent will be monitored for each parameter in Table II. The Industrial Users shall be subject to the reporting and monitoring requirements set forth in Section V and Section VIII as to these parameters.

2. In the event that the influent reaches or exceeds the levels established by Table II, the RWTF and the Superintendent shall initiate technical studies to determine the cause of the influent violation, and shall recommend to the Board such remedial measures as are necessary, including but not limited to recommending the establishment of new or revised pretreatment levels for these parameters.

3. The Superintendent shall also recommend changes to any of these criteria in the event the RWTF effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POCS.

TABLE II

Parameter	Maximum Concentration (24 hr Flow, Proportional Composite Sample) mg/l	Maximum Instantaneous Concentration (Grab Sample) mg/l
Aluminum dissolved (Al)	15.00	30.00
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.05	0.1
Barium (Ba)	2.50	5.0
Boron (B)	1.00	2.0
Cadmium (Cd)	0.01	0.02
Chromium-total (Cr)	1.50	3.0
Cobalt 5.00	5.00	10.00
Copper (Cu)	0.40	0.8
Cyanide (CN)	0.05	0.1
Fluoride (F)	10.00	20.00
Iron (Fe)	5.00	10.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.50	1.0
Mercury (Hg)	0.015	0.03
Nickel (Ni)	0.50	1.0
Phenols	1.00	2.0
Selenium (Se)	0.005	0.01
Silver (Ag)	0.05	0.1
Titanium-dissolved (Ti)	1.00	2.0
Zinc (Zn)	2.00	4.0
Total Kjeldahl Nitrogen (TKN)	45.00	90.0
Oil & Grease	25.00	50.0
MBAS 5.00	5.00	10.0
Total Dissolved Solids	1,875.00	3,750.00
BOD	*	
COD	*	
Suspended Solids	*	

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*Not to exceed the design capacity of treatment works.

O. Pretreatment Requirements

Users of the POCS shall design, construct, operate, and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength set forth in Paragraph (M) of this Section, to meet applicable National Pretreatment Standards, or to meet any other wastewater condition or limitation contained in the user's wastewater discharge permit.

P. Plans and Specifications

1. Plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a Registered Engineer, and shall be submitted to the Superintendent for review in accordance with accepted engineering practices. The Superintendent shall review said plans within 45 days and shall recommend to the user any appropriate changes.

2. Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the Superintendent. Prior to beginning construction the user shall also secure such building, plumbing, or other permits that may be required.

3. The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction the user shall provide the Superintendent with "as built" drawings to be maintained by the Superintendent.

Q. Prevention of Accidental Discharges

1. All Industrial Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POCS of waste regulated by this Section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this Section.

2. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this Section shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge.

3. Plans, specifications, and operating procedures for such special permit conditions shall be developed by the user and submitted to the Superintendent for review under the provisions of Paragraph (P) of this section.

SECTION III: EXCEPTION TO WASTEWATER STRENGTH STANDARD

A. Applicability

This Section provides a method for non-residential users subject to the limitation on wastewater strength parameters listed in Section II to apply for and receive a temporary exception to the discharge level for one or more parameters.

B. Time of Application

Applicants for a temporary 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 Superintendent 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 Board.

C. Written Applications

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 Board pursuant to Paragraph (E) hereof.

D. Review by Superintendent

The Superintendent shall review all applications for an exception. If the application does not contain sufficient information for complete evaluation, the Superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the Superintendent to correct such deficiencies. The Board upon application and for just cause shown may extend this 30-day period. Upon receipt of a complete application the Superintendent shall evaluate it within 30 days and shall submit recommendations to the Board at its next regularly scheduled meeting.

E. Review by WWTA

The Board shall review and evaluate all applications for an exception and shall take into account the following factors:

1. The Board shall consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in Section II and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

2. The Board shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), or similar state regulations and then grant an exception only if such

exception may be granted with the limitations of applicable federal or state regulations.

3. The Board shall consult with the RWTF to determine whether or not granting the exception would:

    a. Create conditions that would reduce the effectiveness of the RWTF, taking into consideration the concentration of said pollutant in the RWTF's influent and the design capability.

    b. Cause the RWTF to violate the limitations in its NPDES Permit, taking into consideration the concentration of the pollutant in the RWTF's influent and the demonstrated ability of the RWTF to consistently remove such pollutant.

    c. Cause elements or compounds to be present in the sludge of the RWTF which would prevent sludge use or disposal or which would cause the RWTF to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345).

4. The Board may consider the cost of pretreatment or other types of control techniques that would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

5. The Board may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality of wastewater discharge.

6. The Board may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

7. The Board may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

8. The Board 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 pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that, except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in Section II.M. Provided, however, no such 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 POCS or RWTF.

F. Good Management Practices Required

The Board shall not grant an exception unless the applicant shall demonstrate to the Board "good management practices" (GMP) to prevent or reduce the contribution of pollutants to the POCS. GMP's include but are not limited to preventative operating maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quality of quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

G. Exception May be Granted Following Review

The Board shall review the application for an exception at the first regularly scheduled meeting following recommendation of the Superintendent. It may grant the application for exception with such conditions or limitations as may have been recommended by the Superintendent without a hearing provided that no person, including the applicant, shall object thereto, and provided further that the Board finds that the granting of the exception with such conditions as have been recommended by the Superintendent will be in compliance with the provisions of this Section.

H. Hearing

1. In the event that the applicant objects to recommendations of the Superintendent concerning conditions to be imposed upon the applicant and the Board desires a hearing to further investigate the matter, or any interested party granted permission by the Board to intervene objects to the granting of the exception, then in such event the Board shall schedule a hearing within 90 days following presentation of the matter by the Superintendent to resolve such matters.

2. At such hearing, the applicant, the Superintendent, and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in Section XIII hereof shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

SECTION IV: PERMITS FOR THE CONNECTION TO THE PUBLICLY OWNED COLLECTION SYSTEM

A. Application and Permit Requirements

Any person (owner and/or tenant) who desires to connect with, extend, alter (which shall include but not be limited to a change in capacity requirements), uncover, excavate, move or in any way change any part of the publicly owned collection system or the sewer service lateral or cause any such work to be done is first required to obtain a permit to do so.

Additionally, any person (owner and/or tenant) who desires to obtain a building permit or a demolition permit must first obtain a sewer permit. Revised 07/19/2017

Finally, any person (owner and/or tenant) who desires to obtain a certificate of occupancy prior to a sewer permit being finalized by the sewer authority. Revised 07/19/2017

Application for a permit and the payment of required fees shall be made at the office of the Superintendent. Detailed drawings may be required (see Paragraph C of this Section). Revised 08/15/2012

B. Types of Permits

The following are the types of permits that apply to the POCS:

1. **Sewer Service Line Connection (tap-on) Permit.** A sewer permit allowing connection of any premise to the public sewer. (Note: This permit shall include an Inspection Fee). Revision 7/15/2009

2. **Public Sewer Extension permit.** For the construction of new public sewers.

3. **Industrial Wastewater Discharge permit.** Applicable to Industrial Users of the POCS. (Refer to Section V for permit requirements and administration).

4. **Truck Discharge Operation Permit.** Refer to Section II.K-L.

C. Drawings and Specifications:

When required by the Superintendent, six copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work shall accompany the application for permit as outlined in Section VII. Drawings indicating the structural plumbing plan and sources of wastewater within the structure may also be required. Drawings and specifications for extensions to the public sewer shall be designed by a Registered Engineer and shall bear his official seal.

D. Permit Conditions

1. A permit issued shall be considered to be a license to proceed with the approved work and shall not be interpreted as authority to alter, violate, cancel, or set aside any of the provisions of this Section. A permit issued shall not prevent the Superintendent from requiring a correction of errors in plans, or in construction, or in violations of this Section. Every permit issued shall become invalid unless the work authorized by such permit is begun within one year after its issuance.

2. Failure to obtain the necessary permit prior to beginning any work on a Hamilton County POCS shall subject the violator to the provisions of Section VIII and/or penalties for failure to obtain by an amount not to exceed five (5) times the normal tapping privilege fees in Section VI.A.

SECTION V: INDUSTRIAL WASTEWATER DISCHARGE PERMIT, DISCHARGE REPORTS AND ADMINISTRATION

A. Applicability

The provisions of this section are applicable to all Industrial Users of the POCS. The RWTF (City of Chattanooga) has an "Approved Pretreatment Program" as that term is defined in 40 CFR Section 403.3(d), and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Categorical Pretreatment Standard" as that term is defined in 40 CFR 403.3(j) shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the State of Tennessee in regard to such "Categorical Standards" unless an exception for the city's program or for specific industrial categories has been authorized.

B. Application and Permit Requirements for Industrial Users

All industrial users of the POCS prior to discharging non-domestic waste into the POCS shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. Prior to discharge of non-domestic wastewater into the POCS, an industrial user shall request the superintendent to determine if the proposed discharge is significant and requires pretreatment. All requests shall include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the user shall submit to the Superintendent revised plans whenever alterations or additions to the user's premises affect said plans. If the discharge is determined not to be significant, then the Superintendent may still establish appropriate discharge conditions for the user. Any non-categorical industrial user designated as significant may petition the Board to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely effecting the POCS' operation or violating any pretreatment standard or requirement. All significant industrial users shall obtain an industrial wastewater discharge permit and shall complete such forms as required by the RWTF, pay appropriate fees, and agree to abide by the provisions of Article III, Industrial Waste, in the Sewer Use and Industrial Wastewater Discharge Regulations of the City of Chattanooga and any specific conditions or regulations established by the Superintendent.

SECTION VI: FEES AND SEWER BILLING

A. Tapping Privilege Fees

1. A permit for a sewer service line connection or for a public sewer extension shall not be issued until the fees prescribed in this section have been paid. The minimum tapping privilege fee for each connection shall be computed in two ways: a) based on water meter size, and b) based on type of establishment. The larger of the two fees shall be the one that applies. No permit fee shall be less than the cost of the Inspection (Inspection Fee = $50). Revision 7/15/2009

a. Based on the size of the water meter:

WATER METER SIZE	SEWER TAPPING FEE
Less than 1"	$ 800
1"	950
Between 1" & 2″	1,000
2"	2,500
3"	3,500
4"	4,500
6"	6,500
Larger than 6"	See paragraph below

The schedule above is not applicable to the tapping privilege fee for water meters larger than 6 inches, process water or wastewater for an industrial plant, any establishment with commercial garbage or commercial food waste grinders, or other special services. Such fee will be determined at the time application for service is made.

b. Based on the type of establishment:

ESTABLISHMENT	SEWER TAPPING PRIVILEGE FEE
Residential	$800
Motel and Hotel	$150 per unit, plus $30 per employee, **Minimum $800, plus $30 per employee**
Restaurant/Bar	$30 per seat, plus $30 per employee **Minimum $1,400, plus $30 per employee**
Self-Service Laundry	$1,200 for first 3 washing or cleaning units, $200 each unit thereafter
Service Station	$150 per vehicle that can pump at a given time, plus $30 per employee, **Minimum $800, plus $30 per employee**
Theater and Church	$3 per seat, plus $30 per employee, **Minimum $800, plus $30 per employee**
Business under 10,000 sq. ft. Business over 10,000 sq. ft.	$800, plus $30 per employee 10% of the standard Tapping Privilege Fee per 1,000 sq. ft., plus $30 per employee Revision 1/21/2009
School and Day Care	$10 per student, ultimate enrollment, plus $30 per employee; **Minimum $800, plus $30 per employee**
Car Wash	$1,200 minimum up to 6 bays $200 each bay over 6
Doctors, Dentist, Veterinary Office, Pet Grooming, or Funeral Home	$1,400, plus $30 per employee
Trailer Park, Apartments, Duplex, and Multi-Unit Facilities	$800 per unit
Nursing Home, Hospital, and Assisted Living	$200 per licensed bed
Multiple Use Facilities	Calculate using the present tap-on fee schedule and combining the fee for all of the uses, with the minimum to be the combined minimum of all uses
Self Storage Units	$800, plus $30 per employee

NOTE: A minimum of four employees shall be used to calculate all sewer-tapping fees if number of employees is unknown.

2. The minimum tapping privilege fee does not include the cost of furnishing and installing service line.

3. The residential tapping fee may be reduced to a minimum equal to the value of the Inspection Fee in order to offset the cost of installing a service line in the roadway. Revision 7/15/2009

4. A tapping privilege fee shall not be charged for the connection of buildings owned by political subdivisions that are members of the WWTA.

5. When an easement is required for the construction of a project, the WWTA will waive one residential tap-on fee for the then property owner if the easement is donated, provided that such waiver and tap permit are non-transferable if the ownership of the property changes.

6. When a developer/builder builds a residence in a subdivision where the same developer/builder has paid for the installation of the sanitary sewer, the Tapping Privilege Fee will be $500 less than the standard Tapping Privilege Fee. The Tapping Privilege Fee is non transferable. Revision 1/21/2009

   This reduction shall not apply to a project contributed to by the WWTA, as defined in Section VII. Revision 4/19/2017

7. Only the master plumber may call for a service line inspection. The master plumber may designate an employee working directly under the personal supervision of the master plumber to also call for service line inspections.

   If the WWTA is called for a service line inspection and an inspector is sent to the site and the service line has not been installed or installed incorrectly according to the plumbing codes or the WWTA requirements causing a second inspection, the plumber must come to the WWTA office and pay $100 for a second inspection and $100 for every subsequent inspection at that site. Revision 3/16/2017

8. For gravity service lines, only the plumber, who is going to install the service line, may obtain the tap-on permit. The master plumber may designate an employee working directly under the personal supervision of the master plumber to obtain the tap-on permit in his/her absence by completing the Plumber Designee Form. The master plumber will be solely responsible for any financial liabilities or damages that occur while the "designated employee" is acting and/or performing work for the master plumber's business and/or company. For a grinder pump location, the property owner must complete legal documents, and his/her plumber (approved by WWTA) must obtain the tap-on permit.

9. A tapping privilege (tap-on) fee is non-transferable.

a. The funds for a tap-on permit may not be transferred to another tap-on permit.
b. A tap-on permit may not be transferred from one master plumber to another.
c. If the construction of a service lateral under a permit is temporarily cut and capped, any inspections have been completed and there is a change in master plumbers then the plumber performing the completion of that plumbing will be required to purchase an inspection permit at the cost of the inspection permit.

10. A commercial permit sold with the final use still uncertain at the time of construction shall be sold as a business establishment type, based on square footage, being referred to as a "shell permit". A hold will be placed on the final inspection until final use is known and the fee amount is corrected based on the planned use. The certificate of occupancy shall be withheld until sewer permit is finalized.

    Shell permits may not be transferred from one master plumber to another.

    If the construction of a service lateral under a shell permit is temporarily cut and capped, in such a manner that no part of the lateral outside of the structure needs to be impacted—i.e., connected to, extended, altered, uncovered, excavated, moved or in any way changed—in order to complete the physical connection of the interior plumbing "building sewer", the plumber performing the completion of that plumbing will be required to purchase an inspection permit at the cost of the inspection permit plus the corrected permit cost. Revised 9/19/2018

11. A tap-on permit may be corrected, if the master plumber purchases a tap-on permit for the wrong lot, under the following conditions:

    a. The building inspection department is in agreement with allowing the correction to be made.
    b. Construction has not begun.
    c. The master plumber returns the original and yellow copy of tap-on permit to be voided. Revised 4/19/2017

B. Monthly Rates and Minimum Bills

1. The Owner/Occupant of land within the jurisdiction of the WWTA that abuts a street, public way, or easement containing a publicly-owned low-pressure sewer (grinder, STEP, etc.) installed by the WWTA or a gravity sewer, and upon which there is a residential, industrial or commercial building, and which can be connected by gravity to the gravity sewer or by pumping into the low pressure system, if not already connected, at their own expense, shall make and maintain connection with the sanitary sewerage system in accordance with Tennessee Code Annotated Section 7-35-201 et seq. which is incorporated herein in its entirety by reference. The charge for sewerage services shall begin at such time as the Owner/Occupant of the land in the jurisdiction of WWTA described has access to sewers as hereunder set forth at the established rates therefore, regardless of whether the sewer connection has been made. (7-35-201, Chapter 35, Part 2)

2. Each customer shall pay monthly according to the following rates effective October 1, 2020:

Gallons/month	Cost/1,000 gallons
First 100,000	$13.43
Next 650,000	$9.99
Next 1,250,000	$8.12
Over 30,000,000	$6.85

3. The minimum monthly bill, based on water meter size, shall be as follows:

WATER METER SIZE	MINIMUM GALLONS	SEWER MINIMUM BILL
Less than 1”	2,054	$27.59
1”	12,806	$171.96
1½”	28,661	$384.88
2”	50,746	$681.46
3”	125,478	$1,597.41
4”	261,072	$2,952.05
6”	669,389	$7,031.30
8”	1,316,560	$12,437.11

4. The schedule above is not applicable to the minimum monthly bill for water meters larger than 8 inches, process water or wastewater for an industrial plant, any establishment with commercial garbage or commercial food waste grinders, or other special services. Such bill will be determined at the time the application for service is made.

5. The Board has the option to set different rates for designated areas.

6. For the City of Red Bank the following rate structure shall apply effective October 1, 2019:

Minimum Monthly Charge, based on water meter size, shall be as follows:

WATER METER SIZE	MINIMUM GALLONS	SEWER MINIMUM BILL
Less than 1”	1,500	$26.54
1”	12,546	$166.49
1½”	28,269	$375.13
2”	48,531	$644.00
3”	114,772	$1,523.03
4”	211,169	$2,802.21
6”	505,850	$6,712.63
8”	894,949	$11,875.97

Each customer shall pay monthly according to the following rates:

a. For the first 1,500 gallons or less, a minimum charge of $26.54
b. For all over 1,500 gallons, a charge of $13.27 per 1,000 gallons. (4,000 gallons = $26.54 + (4.0-1.5) x $13.27 = $59.71).
c. City of Red Bank owned Buildings and Properties shall be charged in accordance to (a) and (b) above; regardless of meter size.

C. Multi-Unit Complexes

1. To provide equality between single-family and multi-unit dwellings which have one or less number of water meters than the total number of dwelling units in the complex, the monthly sewer service charge to multi-unit complexes served by a master meter or any combination of meters totaling less than the number of units served shall be calculated by the following formula:

Monthly Service Charge = U_{tot} x R

U_{tot} = Usage measurement of master meter or combination of meters.

R = The sewer service rate, as detailed in Section VI.B.2, using U_{adj}

$$U_{adj} = U_{tot} \div N$$

N - Ninety percent of the number of units for multi-unit dwellings, of the total number of units for a trailer park or apartment complex.

2. In addition to the above rates the WWTA may determine a monthly surcharge to amortize any indebtedness associated with the sewage system.

3. State law requires that a state fee be added to every sewer bill, which amount must be sufficient to repay the State to cover the funds advanced by the State to provide the local share of federally-assisted (Environmental Protection Agency) and mandated water pollution abatement projects.

D. Billing Adjustments

1. Adjustments in the sewer use bill(s) resulting from a water leak at the premises in excess of 50% or more above the average bill, may be made in accordance with the following:

   a. All adjustments requested by individual residential customers shall be addressed to the Executive Director under the following terms and conditions:

      i. Applicant must complete and sign a Sewer Fee Variance Request Form.

      ii. Applicant must provide bills reflecting usage for twelve (12) months prior to water leak at the premises.

      iii. The Sewer Fee Variance Request Form shall include at least the following:

         1. A statement describing the events leading to the bill(s).

         2. A copy of the bill(s), which is requested to be adjusted.

         3. Proof of repair:

            a. Billing by plumber.

            b. Documentary evidence to substantiate the repair by residential customer—i.e., photographic evidence, receipt for repair, etc.

         4. Statement addressing whether the water did or did not enter the sewer system.

         5. Any adjustment made by the Executive Director shall be reported to the Variance Committee at the next meeting after the adjustment, for ratification.

   b. Upon notification to the WWTA of a water leak occurrence and repair of the leak, a determination will be made as to whether or not the leaking water entered the sanitary sewer system.

   c. If the leaking water did not enter the sanitary sewer system, the sewer use bill(s) will be adjusted to equal the monthly average of the previous year's sewer use bills.

   d. If the leaking water did enter the sanitary sewer system, the sewer use bill(s) will be equal to the monthly average of the previous year's sewer consumption plus the cost of the excess water calculated at 50% of the WWTA's sewer use rates.

Leak adjustments shall not be less than the minimum bill in accordance to the WWTA's rate structure. For a new occupant, the adjustment may be made based on the monthly average for the three (3) months following the repair of the leak. Revision 04/16/2014

e. Customers are eligible for one (1) adjustment every six (6) months in any twelve (12) month billing period. Adjustments will not be made for more than two (2) consecutive billing cycles per request. Revision 10/23/2020

f. The adjustment to the sewer use bill(s) will not be made if a history of abuse is identified.

g. All adjustments must be requested within six (6) months of leak repair.

h. Any denial by the Executive Director may be appealed to the Variance Committee.

i. The WWTA does not adjust sewer bills based on the consumption of water for continuous filling or refilling swimming pools, sprinkler or irrigation systems, a water system for livestock, water fountains or other large water features that shall not be connected to the sanitary sewer system. However, there is an allowance for a one-time pool credit every three (3) years. Customer must submit a variance request, and upon approval the WWTA will adjust to the average 12-month bill for the month requested. The WWTA encourages the installation of a separate landscape, garden, or lawn water meter be installed. Revised 6/24/2020

2. Upon determination that a sewer customer is permitting extraneous flow (storm water run-off, storm drainage, groundwater, etc.) to enter the WWTA's wastewater treatment facilities, the WWTA will make a measurement of such flow during wet weather and thereafter the charge for sewer services will be based upon the flow measured at that time or upon any subsequent measurement indicating a greater demand. A monthly sewer charge determined upon this basis will be in addition to the monthly sewer charge set forth above, and can be reduced upon and to the extent of satisfactory demonstration to the WWTA that the sources of the extraneous flow into the customer's sewer service lines have been eliminated.

E. Sewer Billing

1. The Hamilton County Water & Wastewater Treatment (WWTA) Board may enter into a Sewer Use Fee Billing Agreement with the Water Company or Water Utility for the collection of charges and fees applicable to the use of all WWTA sewer facilities and enforcement of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System.

2. Sewer Use Fees will be based on Section VI (B), (C), and (L) of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System and billed in the Water Company or Water Utility billing cycle in conjunction with the water bill of the customers with sewer availability in accordance with the agreement.

3. Sewer Use Fees shall be collected by the Water Company or Water Utility in and submitted to the WWTA in accordance to the agreement.

4. The WWTA shall pay the Water Company or Water Utility per month per sewer customer, to cover the costs to the Water Company or Water Utility of carrying out the provisions of the agreement.

5. The Water Company or Water Utility shall discontinue water service in accordance with its established policies and procedures upon the refusal or failure of a customer to pay the sewer use fees at the same time the customer pays the water service fees.

6. The Water Company or Water Utility will not accept, collect or mark as paid bills for water service and sewer use service which does not include payment of both sewer use fees and water service fees in accordance to the agreement.

7. The Water Company or Water Utility shall cooperate with WWTA in the enforcement of the rules and regulations governing the wastewater sanitary sewer system.

8. The Water Company or Water Utility may adjust Sewer Use Fees for water leaks in accordance to Section VI (D) of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System unless otherwise agreed to by the WWTA and the Water Company or Water Utility.

9. Should a dispute arises concerning the sewer use fee billing accounts or the amount of the sewer use fees paid to the WWTA, that cannot be resolved to the satisfaction of WWTA and the Water Company or Water Utility, the dispute will be referred to the Auditor for the Water Company or Water Utility and the Auditor for the WWTA who will render a joint decision that will be considered final.

10. The WWTA may perform an audit of the records containing information on the performance and obligations of the Water Company or Water Utility under the Sewer Use Fee Billing Agreement. The WWTA shall require the Water Company or Water Utility to keep and maintain all records that are auditable for five years.

F. Sewer Billing by a Third 3rd Party Vendor

1. The Hamilton County Water & Wastewater Treatment (WWTA) Board may bill and collect sewer fees or enter into a Sewer Use Fee Billing Agreement with a Third 3rd Party Vendor for the collection of charges and fees applicable to the use of all WWTA sewer facilities and enforcement of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System, bill printing, credit and collections services, and mailing. The WWTA may request the Third 3rd Party Vendor to provide Customer Service from their Call Center and Accounts Receivable Aging Reports monthly at minimum. Revision 11/20/13 and 07/16/2014

2. The WWTA Board shall enter into a Water Usage Data and Shutoff Agreement with the Water Company or Water Utility that provides water service to substantially the same area and customers as are served by WWTA and the Water Company or Water Utility. The Water Company or Water Utility shall be in a position to supply to WWTA and its Third 3rd Party Vendor the water usage data required to compute the sewer billing for the collection of charges and fees applicable to the use of all WWTA sewer facilities.

3. The Water Usage Data and Shutoff Agreement shall provide that the Water Company or Water Utility terminate the water service to customers who are also WWTA customers for delinquent payments of WWTA's sanitary sewer services charges and fees and the enforcement of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System.

4. The WWTA in conjunction with its Third 3rd Party Vendor shall submit a shut off list to the Water Company or Water Utility of customers that are delinquent with payments of WWTA's sanitary sewer services charges and fees or in violation of WWTA Sewer Use Rules and Regulations to terminate water service for reason of delinquency in the payment of a WWTA sanitary sewer services charges and fees and reconnect water service upon receipt of all charges, including shutoff and reconnect charges.

5. The WWTA shall be billed monthly by the Water Company or Water Utility for the Water Usage Records at the established per meter read rate in the Water Usage Data and Shutoff agreement.

6. The WWTA shall be billed monthly by the Water Company or Water Utility for disconnection, and subsequent reconnection, of WWTA Customers for non-payment of sanitary sewer services charges and fees and the enforcement of the WWTA Sewer

Use Rules and Regulations for Wastewater Collection System requested by WWTA in accordance to the Water Usage Data and Shutoff agreement.

7. The WWTA shall not be billed in the event the Water Company or Water Utility and WWTA both have pending shutoff orders for the same WWTA Customer during the same relevant cycle, such that only a single visit to the premise is made for both disconnection and reconnection, there will be no charge to the WWTA for disconnection or reconnection services.

8. Should the WWTA enter into a Sewer Use Fee Billing Agreement with a Third 3rd Party Vendor the vendor will be required to set up contracts with retail organizations to make sewer bill payments. These retail locations preferably will also be accepting pay for the Water Company or Water Utility water bill.

9. The Third 3rd Party Vendor will be required to set up remittance processes for payments that include but are not limited to a toll free 24-Hour/Day Pay-By-Phone Interactive Voice Recognition (IVR) Processing, 24-Hour/Day Pay-Via-Web Online payment, Walk-In Payments option at retail establishments that accept walk-in payments, Recurring Payments to pay automatically through the Recurring Payment Program or bank draft, and mailed check payments via lockbox service. All payments will be directly deposited to the WWTA.

10. The Third 3rd Party Vendor shall provide a backup plan to ensure that WWTA bills and payments are processed. This will include but not be limited to backup equipment/options if the Third 3rd Party Vendor printers and remittance systems go down. The Third 3rd Party Vendor must notify the WWTA of failures and solution immediately.

11. The Third 3rd Party Vendor will provide all required software, licenses, and user fees including 3rd party licenses fees required to deliver the services to the WWTA. The Third 3rd Party Vendor system will be configured with all appropriate security rights for access. The WWTA shall have full access to the billing system. The WWTA may request additional limited access to the billing system.

12. The Third 3rd Party Vendor will provide annual system support, maintenance, and updates to the software.

13. The WWTA may perform an audit of the records containing information on the performance and obligations of the Third 3rd Party Vendor under the Sewer Use Fee Billing Agreement. The WWTA shall require the Third 3rd Party Vendor to keep and maintain all records that are auditable for five years.

G. Tenant/Property Owner Requirements Revision 05/18/2016

1. Any property owner who intends to qualify not to be liable for his/her tenant's sewer charges shall be required to supply a copy of the specific lease agreement to the WWTA signed by the tenant whose name will be on the account for water/sewer service.

2. The property owner will supply proof of ownership — e.g., tax bill, deed or deed of trust.

In order to waive the delinquent sewer fees for a prior tenant, the property owner shall provide:

1. Proof of ownership — e.g., tax bill, deed or deed of trust.
2. Lease agreement with prior tenant.
3. Lease agreement with new tenant.

H. Sewer Billing Customer

1. The WWTA Customers shall observe all the rules and regulations that are prescribed by the Hamilton County WWTA related to wastewater service, including method and manner of installing and maintaining equipment. Sewer bills are based on water consumption and other applicable fees. Payment of sewer bill and the Delinquent Administration Charge shall be the responsibility of the customer.

2. The WWTA Customers shall be liable and shall pay all sewer fees. All fees shall be the responsibility of the customer until the water and sewer service is turned off. Vacant properties will be charged sewer fees unless there is no water service. Failure to receive a sewer bill will not exempt customer from payment. Customers should notify the WWTA when terminating their sewer service. Revision 05/12/2015

3. The WWTA Customers shall pay the net amount of the bill on or before the due date. Payments must be received by the due date to avoid penalties. If paid after the due date, a 10% penalty will be added to the sewer bill. At the request of the customer, the WWTA Executive Director or designee will have the authority to adjust one late penalty on a customer's account provided the customer has not had a late payment during the previous 12-month billing period. All late charge adjustments made by the WWTA Executive Director or designee shall be reported to the Variance Committee at the next regularly scheduled meeting. Revision 03/16/2016

4. Failure to pay the sewer bill will result in water being disconnected. If water service is terminated for non-payment or compliance with WWTA rules and regulations, the Customer will pay all outstanding balances, any collection fees, and the Delinquent Administrative Charge for potential shutoff of water. The Delinquent Administrative Charge will not be waived regardless of disconnect status. Disconnect will not occur on Friday, weekend, or observed WWTA Holidays. Revision 03/16/2016

   The WWTA Customers may mail in payment by check made payable to the WWTA. Checks must be mailed to the Payment Processing Center address shown on the invoice. Customers will not mail in cash or mail payments to the WWTA office. Payments mailed to any location other that the Payment Processing Center of the WWTA will delay processing which may result in late charges and/or disruption of water service. There shall be a penalty charge assessed to the customer's account automatically in addition to other applicable fees and charges when their financial institution does not honor their check for any reason.

5. The WWTA may discontinue the acceptance of payment by check when a customer has written more than one dishonored check. This will also apply to any payment submitted either electronically or by electronic funds transfer to the WWTA that is not honored.

6. A WWTA Customer that is shut off for delinquent sanitary sewer service charges and fees and the enforcement of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System and makes arrangements to pay delinquent payment for sanitary sewer service charges and fees including shutoff and reconnect fees and has complied to all rules and regulations for water service to be reconnected that customer shall be responsible to ensure that the residence or business is prepared for reconnection of water service. The WWTA shall not be responsible for any damage resulting from the reconnection. It is solely the sewer customer's responsibility.

7. Should WWTA Customers default and have unpaid accounts placed with an attorney or collection agency, all attorney fees and court costs shall be paid by the customer.

8. In the event of a water leak, WWTA Customers may request a sewer bill adjustment in accordance to Section VI (D) of the WWTA Sewer Use Rules and Regulations for Wastewater Collection System.

9. The WWTA Customers shall observe all the rules and regulations that are prescribed by the Hamilton County WWTA related to wastewater service. This includes method and manner of installing and maintaining equipment, payment of sewer bill, and disconnection of service. Sewer bills are based on water consumption and other applicable fees.

10. When the WWTA finds unoccupied property with no water service, the WWTA may require the sewer service lateral to be plugged or cut and capped by the property owner. The WWTA will assume no liability for requiring this preventative maintenance and preventative potential backup service.

The account must meet the following criteria:

The account has been placed on the shutoff list or water has already been disconnected.

Only one payment arrangement will be made in any twelve month billing cycle.

If the payment arrangement has been broken, then the customer must pay the full amount of the sewer bill. No Payment Arrangement will be granted until the customer's next twelve month cycle.

If an account has been auto closed, then 100% of the balance is required to restore service.
Revision 05/18/2016

The WWTA does not allow payment arrangements for returned payments.

The payment arrangement will be determined using one of the two options listed below:

Payment Arrangement for Balances of $50 to $150

Customer must pay 50% to have water service restored and make a Payment Arrangement to pay the remaining 50% plus the current balance on or before the four weeks (28 days) determined day.

Payment Arrangement for Balances over $150

Customer requests to pay 25% (the minimum WWTA Payment Arrangement). The customer's amount due will be divided by four.

Example: Today's date: January 27, 2015; $400 amount due balance divided by 4 = $100.

a. The Customer must pay $100 by the close of business day to have a Reconnect Service Order submitted for the same day restoring of water or to be removed from the Shutoff List.
b. The Customer's 2nd payment of the Payment Arrangement will be due on or before the four weeks (28 day) determined day plus current month's bill, (example: $100 plus the current month's bill would be due on or before February 24th.)
c. The Customer's 3rd payment of the Payment Arrangement will be due on or before the four weeks (28 days) determined day plus current month's bill, (example: $100 plus the current month's bill would be due on or before March 24th.)
d. The Customer's 4th payment of the Payment Arrangement will be due on or before the four weeks (28 days) determined day plus current month's bill, (example: $100 plus the current month's bill would be due on or before April 21st.)

Failure to honor the Payment Arrangement will result in disconnection of water service for nonpayment of the past due amount plus the delinquent administrative charge and all late fees.

11. In the event that sewer is not billed to a WWTA Customer, a six-month payment arrangement may be requested for payment of the unbilled amount. The unbilled amount may include up to three years of unbilled amounts. Revision 03/21/2018

EXTENSION OF TIME ON A PAYMENT ARRANGEMENT

The maximum extension of time will be 10 days. If payment was due for the existing Payment Arrangement on the 10th, then the extended date would be the 20th. This would not be considered a new Payment Arrangement but an extension of the existing arrangement. A request for a Payment Arrangement Extension must be made by the customer before or on the due date of existing arrangement to avoid 100% of the past due balance plus current charges being required to be paid for a RECONNECT SERVICE ORDER to be submitted or to be removed from the Shutoff List. Revised 03/18/2015

I. Low-Pressure Sewer (Grinder Pumps, STEP Systems, Etc.)

1. The Tapping Privilege Fee for a grinder pump shall be the same as the fees listed in Section VI, A.

2. All grinder pumps and STEP systems used in conjunction with the interceptor sewer system which will discharge into the system owned and operated by the Hamilton County Water & Wastewater Treatment Authority must conform to the specifications of the Authority and purchased from either the Authority or from an approved manufacturer.

   Beginning January 22, 2009, the selling price for the grinder pumps and associated accessories will be based on the Authority's current contract cost plus a markup (determined by dividing the contract cost by 0.9) rounded up to the nearest $10, if purchased from the Authority. Those wishing to purchase a grinder pump, or who seek to purchase the same from an approved manufacturer, or are interested in obtaining a copy of the specifications should contact the Hamilton County Water & Wastewater Treatment Authority at Development Resource Center, Suite 3050, 1250 Market Street, Chattanooga, TN 37402 or by phone at 423-209-7842. Revision 1/21/2009

3. Each low-pressure customer whose grinder pump or STEP system is maintained by WWTA shall pay monthly according to the rates listed in Section VI, B, 2 multiplied by a factor of 1.10. Commercial and residential grinders and STEP systems installed after May 1, 2019, will not be maintained by the WWTA and not subject to the 1.10 surcharge. Revision 04/17/2019

4. The Owner/Occupant of land within the jurisdiction of the WWTA that abuts a street, public way, or easement containing a publicly-owned low-pressure sewer (grinder, STEP, etc.) installed by the WWTA or a gravity sewer, and upon which there is a residential, industrial or commercial building, and which can be connected by gravity to the gravity sewer or by pumping into the low pressure system, if not already connected, at their own expense, shall make and maintain connection with the sanitary sewerage system in accordance with Tennessee Code Annotated Section 7-35-201 et seq. which is incorporated herein in its entirety by reference. The charge for sewerage services shall begin at such time as the Owner/Occupant of the land in the jurisdiction of WWTA described has access to sewers as hereunder set forth at the established rates therefore, regardless of whether the sewer connection has been made. (7-35-201, Chapter 35, Part 2)

5. In the event that the property owner wants to purchase the grinder pump without the plumber being present to sign the permit, the following must be done:

   a. The property owner must pay for the grinder pump with a check from and signed by the plumber on the plumber's letterhead check.

b. The property owner must have a letter from the plumber on the plumber's letterhead noting the address where the grinder pump will be installed and that the property owner has the authority to purchase the pump for the plumber.

c. It is the responsibility of the property owner to give the plumber the information package given by the WWTA concerning the installation of the grinder pump.

d. The property owner must sign a letter stating that they will be responsible for the work of the plumber and the one-year warranty on the system in the event the plumber refused to replace, repair or warranty the work, as required by the WWTA.

J. Connection Determination

When it is necessary for the WWTA to perform field investigation to determine if a structure is connected to the sewer line, the requesting body shall be charged $100 to cover the cost of the investigation.

K. Inspections

The charge for a WWTA inspector shall be $60 per hour for straight time and $90 per hour for overtime and holidays. Inspection fees will also include the cost for Engineering Testing fees generated by the Engineering Testing Firm selected and retained by WWTA.
Revision 09/19/2018

L. Private Service Lateral Program

A monthly fee in the amount of $8 shall be charged to any and all gravity sewer customers now existing or hereafter becoming customers of the WWTA to cover WWTA's cost of the Private Service Lateral Program implemented in accordance with Article VIII F. herein. Said monthly fee shall be for a period of 20 years from the date of implementation of the Private Service Lateral Program. The Board shall have the right to adjust the monthly fee and/or the term of the PSLP fee as it deems necessary from time to time.

M. Pump and Haul

For all pump and haul agreements, the WWTA shall charge disposal rate of $53 per 1,000 gallons during normal operating hours with a minimum charge to be $26.50. All waste disposed of at times other than normal operating hours will have an additional charge of $200 for a minimum of four hours and $50 for each hour above the minimum.

N. Dormant Accounts Revised 06/15/2016

Sewer accounts with credit balances belonging to deceased customers are to be classified as dormant. Remaining credit balances on dormant accounts will be refunded to the estate of the deceased. Checks are to be made payable to "The Estate of [the deceased]." The name of the family member or executor to whom the check was given will be indicated on the memo line..

SECTION VII: CONSTRUCTION OF CONNECTIONS TO THE PUBLICLY OWNED COLLECTION SYSTEM

A. Construction of Sewer Service Line Connections

The construction of all sewer service line connections to the POCS shall conform to the following requirements:

1. Service line connections shall not be permitted for public sewers or public sewer extensions that are incomplete and not accepted by the WWTA unless approved by the Superintendent and all documents determined to be necessary by the Superintendent for the purpose of indemnifying the WWTA for all costs, losses, damages, etc. caused by the connection to the incomplete sewer are executed.

2. All sewer service line connections, sewer taps, repairs, excavations or other work required and approved by the service line connection permit shall be carried out only by a master plumber having a license to do such work, or by an employee working directly under the personal supervision of one holding such license.

   Note: One exclusion allows MU contractors to extend sewer service line connections, in a new development only, up to the proposed structure; however, the connection must be made by the master plumber as stated above. Revision 02/15/2012

3. A separate and independent sewer service line connection shall be provided for every premise or property owner or individual building site.

4. The use of existing sewer service lines for the connection of new buildings shall only be used if approved by the Superintendent or authorized representative.

5. All costs and expenses incidental to the installation and connection of the sewer service line shall be borne by the applicant.

6. All excavations for service line installation shall be adequately guarded and marked to protect the public from hazard.

7. The size, slope, location, alignment and materials of construction of a sewer service line, 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 currently adopted building and plumbing code or other applicable rules and regulations of the Hamilton County Building Inspection Office and shall also be approved by the Superintendent or authorized representative.

8. Interceptors (traps) for oil, grease, sand, and other substances harmful or hazardous to the sewer system shall be provided to prevent discharge of prohibited pollutants from entering the sewer, in accordance with the approved Plumbing Code and the City Of Chattanooga's Fats, Oils & Grease (FOG) Management Enforcement Response Guide, dated November 16, 2009 and the Hamilton County Water & Wastewater

Treatment Authority (WWTA) Fats, Oils & Grease (FOG) Management Policy (FOG Program), dated May 19, 2010.

The Grease Interceptor(s) shall be sized according to the FOG Management Policy identified in the paragraph above, unless approved by the Superintendent. The use of a Grease Trap(s), as opposed to a Grease Interceptor(s) shall be determined according to the FOG Management Policy identified in the paragraph above, unless approved by the Superintendent. Revision 02/16/2011

The Superintendent will have the authority to set pumping schedules for Grease Interceptors that do no not meet the sizing requirements of the FOG Management Policy. Pumping schedules set by the Superintendent can be no less than 30 days and no greater than 90 days. Requests for pumping schedules that are less than 30 days or greater than 90 days must be approved by the Variance/Regulation Committee. Revision 03/16/2016

For a variance not approved by the Superintendent, the property owner or tenant may request to appear before the WWTA Variance/Regulation Committee. The appearance of the property owner or tenant shall be accompanied by receipts/tickets of an authorized service provider for grease removal. The property owner or tenant shall pull a permit at the WWTA office for inspection of the existing service line and the existing service line shall be TV'd and recorded in the presence of a WWTA staff member, unless approved by the Superintendent to omit this requirement. Revision 02/20/2013

9. All service line connections made to the public sewer at a location where a service junction or tee has not been provided shall only be made under the inspection of the Superintendent or authorized representative.

10. All sewer service connections shall be made airtight and watertight.

11. A double clean out shall be provided at the discharge point on the outside sewer service line of the structure and a double clean out shall be provided on the sewer service line at the property line between the public sewer and the structure being connected. Other clean outs shall be provided in accordance with the governing plumbing code.

12. Where pavement cuts and installation in Public Right-of-Ways are required, the following shall be applied:

    a. <u>State Highways and Right-of-Ways</u>: Where excavations are required in State Right-of-Ways, permission shall be obtained from the Tennessee Department of Transportation (TDOT). All work shall be in accordance with the requirements of TDOT and the WWTA.

    b. <u>County Roads and Right-of-Ways</u>: Where excavations are required in County Right-of-Ways, permission shall be obtained from the Hamilton County

Engineer's Office. All work shall be in accordance with the requirements of the County Engineer and the WWTA.

13. Sewer service connections made which do not meet the requirements of this Section shall be uncovered and/or repaired at the expense of the applicant.

14. All repair and maintenance of sewer service lines shall be the responsibility of the property owner or user of the sewer and shall include, upon connection, any portions of the sewer service line installed by the WWTA or the developer between the property line and the public sewer. Please note that repairs and maintenance shall be performed by a plumber licensed in Hamilton County. The plumber shall obtain all relevant permits and pay associated fees, including the Inspection Fee. Revision 7/15/2009

15. All 4-inch PVC building sewer service line pipe shall meet or exceed SCH-40.

16. When a road-cut is required to install a service line, the road must be repaired to the Municipal Road Repair Standard, the State Road Repair Standard, or the Hamilton County Road Repair Standard as adopted by the WWTA Standard Details and Specifications for the Construction of Sanitary Sewers.

17. No connection shall be made to a Hamilton County WWTA sewer without 24-hour notice to the WWTA. All service line installations and connections must be inspected and approved by the Wastewater Superintendent or authorized representative before the line is backfilled.

18. A building's sanitary sewer service shall not be connected to the WWTA sewer system (gravity, grinder, or small diameter) until the structure is ready for final inspection by the Hamilton County or City Building Department, without prior approval from the Wastewater Superintendent. If the service line is installed before the structure is ready for final inspection, a gap must be left in the service line somewhere in the area 5 feet from the structure to the connection at the sewer main. The gap must be removed at final inspection of the structure before the service line can be given final approval.

19. No bend greater than 45 degrees shall be installed at each change of direction of the sewer service lateral.

20. Fernco type fittings shall not be used to repair or connect the service line unless approved by the Wastewater Superintendent.

21. It is recommended that the sewer service line be located 10 feet from the water line. In no case should the sewer service line be located within 5 feet of the water line, once the lines are 5 feet from the structure. If the sewer line crosses the water line, it is recommended that the sewer service line be located 18 inches below the water line. In no case should the sewer service line be located less than 12 inches of separation below the water line.

22. Once the sewer service line is 5 feet from the building, the line must be a minimum of 24 inches below the present surface of the yard, with the tie-in at the service stub-out a minimum of 30 inches.

23. When it is impractical to obtain proper horizontal or vertical separation or depth, the Wastewater Superintendent shall be contacted, prior to construction of the sewer service line. In the event of reduced separation, additional testing of the sewer service line may be required to insure water-tightness.

24. The building should be ready for the final building inspection before an inspection is requested for the service line.

25. An existing service line may be reused/reconnected if the following conditions are met: Revision 3/18/2009

    a. The applicant is the owner in fee and the occupant of a single family residential dwelling located on the property for which the reconnect is being requested.

    b. The disconnect resulted from government action, fire, or acts of God.

    c. The service line has not been left unused for over 12 months. Revision 08/17/2011

    d. The Homeowner will sign a release of WWTA and Covenant not to sue in favor of WWTA for any damage or loss resulting from the reconnection and use of the service line.

    e. The service line is proved to meet current WWTA standards for private service laterals. Note that it is the responsibility of the property owner or plumber to have the service line inspected with a pipeline camera and air tested. The camera must record using color, with an on screen recordable footage counter. A copy of the video is to be submitted to the Wastewater Superintendent for approval to reconnect. Revision 08/17/2011

    Note: If the video and air test results are on file with the WWTA, within a three (3) month period, the requirement to have the service line inspected with a pipeline camera and air tested may be waived, with the approval of the Executive Director. Revision 12/18/2013

26. Should the existing service line not meet a condition of Paragraph A.25, above; the property owner shall be required to replace the private service lateral to conform with current WWTA standards, prior to reconnection being allowed. Revision 3/18/2009

27. A service line for a structure may cross another property on the following conditions:

    a. The structure to be connected has to have been in place for more than one year.

b. The service line can only cross one other lot, unless approved by the WWTA Executive Director. Revision 2/21/2018

c. The owner must have a recorded 10-foot easement across the property.

d. The service line must connect directly to the main sewer line and not to another service line.

B. Construction of Public Sewer Extensions

The construction of public sewer extensions to the POCS shall conform to the following requirements:

1. A registered Professional Engineer, licensed to practice in the State of Tennessee, shall design all public sewer extensions. All extensions shall be designed and constructed in accordance with the WWTA's standard details and Specifications for sanitary sewers, the WWTA Design Procedures for Engineers, State of Tennessee Design Criteria for Sewage Works, and in accordance with all applicable Federal, State and local laws and regulations. The location of all sewer extensions will be required to be located according to current planning by the WWTA. Revision 03/16/16

2. No construction shall begin until a public sewer extension permit is obtained from the office of the Superintendent, final written approval of plans and specifications are obtained from the Superintendent, all roadways are to final sub-grade and the Applicant has scheduled a Pre-Construction meeting with the Superintendent or his/her designee

3. Two copies of preliminary plans, profiles, details, and specifications shall be submitted to the Superintendent or his/her designee for review. Plans must be signed in to a WWTA Clerk during normal WWTA business hours. If WWTA offices are closed during normal business hours, submittal of plans will not be permitted. Plans may be submitted along with preliminary subdivision plats, if applicable. Plans and specifications must be submitted to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control for approval, unless the approval authority has been delegated to the WWTA by the Tennessee Department of Environment and Conservation. Revision 03/16/16

4. Public sewer extensions that are not to be located totally within dedicated County or State public road right-of-ways shall deed to the WWTA a minimum 20-feet wide permanent maintenance easement with access from a public road right-of-way. Wider easements may be required for sewers over 15 feet deep. Easements are to be acquired on forms approved by the Superintendent or his/her designee. Easements shall be made a part of subdivision plats, if applicable. The Superintendent for future extensions of the sewer system may require additional on-site easements. Sewer easements must be free of all obstructions, including other utilities.

5. All public sewer extensions shall be located within the edges of the pavement of the roadway with the manholes located in the center of the roadway or the center of the driving lane. The road must be constructed or repaired to the Municipal Construction or Repair Standard, the State Construction or Repair Standard, or the Hamilton County Road Construction or Repair Standard as adopted by the WWTA Standard Details and Specifications for the Construction of Sanitary Sewers. The following policy is in effect for road repair when sewers are installed or maintained in member municipalities and/or the county:

    a. The WWTA shall obtain, upon completion of the design of a sewer, before commencement of construction, the written approval of the design of the road repairs by the appropriate official of the municipality or county within which the road repair will be connected.

    b. Such written approval shall be made a part of the contract award, if any, for the construction of the sewer and/or any subcontract for the repair of the road.

    c. Such written approval shall be construed as acceptance by the municipality or county that the WWTA's design for the road repair and installation for the sewer complies with all municipal or county rules, regulations, ordinances, statutes or the like pertaining to road repair when installing and/or maintaining utilities.

    d. The contractor shall be required to warrant all road work and/or repairs for a period of one (1) year from the "date of completion." This "date of completion" shall be defined as the date on the letter of acceptance issued by the WWTA for the Contractor's original work, and will not be reset if the Contractor is required to make subsequent repairs under the warranty agreement. The WWTA may require retainage as it deems appropriate in order to ensure the proper and timely completion of any warranty work.

    e. The WWTA will only take responsibility for road repairs for a period of one (1) year from the date of completion as set forth above. The WWTA will not be responsible for any matters relating to the installation and/or maintenance of the sewers and repairs of the street surface for a period beyond one (1) year from the date of completion, as set forth herein. Revision 6/16/2010

6. Six copies of final plans, profiles, flow calculations, details, and specifications, and a copy of the final or corrective Plat, if applicable, shall be submitted to the Superintendent or his/her designee for review. These plans shall incorporate all changes required by Hamilton County, WWTA, the Tennessee Department of Environment and Conservation, and any other Federal, State and local entities having jurisdiction. One copy of the approving letter and stamped, approved plans from the Tennessee Department of Environment and Conservation shall be filed with the office of the Superintendent before a public sewer extension permit will be issued, unless the approval authority has been delegated to the WWTA by the Tennessee Department of Environment and Conservation.

7. The applicant for service shall be responsible for obtaining the necessary permits for the permanent location and construction of the sewer extension in public or private right-of-ways and easements.

8. In accordance with Section 207.3.3 and Section 208 of the Hamilton County Subdivision Regulations, public sewer extensions shall have been installed and accepted by WWTA prior to the signing and recording of the final plat of the subdivisions. If the improvements have not been installed or completed, a cash security sufficient to secure the installation shall be required prior to the signing and recording of the plat. The cash security must be cashier's check, or an irrevocable standby letter of credit, and the amount of the cash security must be approved by the WWTA. Projects with a value of less than $30,000 shall be closed out in accordance with the WWTA standard closeout procedure. Cash securities will not be accepted in lieu of completed work for projects with a value of less than $30,000. The use of financial instruments in lieu of a completed sewer extension to allow a final plat to be signed shall be at the discretion of the Executive Director or designee of the WWTA for projects that exceed $30,000. Generally, the use of such instruments shall require special circumstances and be considered an exception and not the rule. Prior to acceptance, an opinion of probable cost shall be submitted by the Design Engineer and accepted by both the WWTA Executive Director and Chief Engineer. In each instance, an agreement with a satisfactory timeframe for the completion of the work shall be developed but generally shall not exceed six months before the financial instrument shall be employed to complete the project. Revised 06/24/2020

9. The Superintendent will arrange for the inspection of public sewer extension construction. The applicant for a public sewer extension permit shall notify the Superintendent 48 hours before beginning any construction of the extension, and the applicant shall pay the WWTA the exact cost of inspection. The applicant shall provide a contractor's written certification of the fair market cost of the extension.

10. Public sewer extension permits issued shall become invalid if construction of the extension has not begun within one year after the date of issuance. Plans and specifications must be re-submitted for approval.

11. All construction of public sewer extensions shall be performed by contractors licensed in the State of Tennessee for Municipal and Utility Construction of Underground Piping (Classification MU-A).

12. No connection to the existing public sewer shall be made until the sewer extension lines have been tested and cleaned, and approved in writing by the Superintendent.

    a. No debris of any nature that would obstruct the flow in sewers or interfere with the proper operation of the sewage works shall be permitted to enter the existing public sewer.

b. No surface water, storm water, or ground water during the construction of the sewer extension or water or other fluids used to flush and clean the sewer extension shall be permitted to enter the existing public sewer.

c. No interruption of the operation of any existing sewage works shall be permitted without the approval of the Superintendent.

13. No sewer service line connections to the public sewer extension shall be permitted until the extension is complete and accepted by the Superintendent in writing, unless approved by the Superintendent in accordance with Paragraph 1 of this Section. In accordance with the provisions of this Section, a permit for such connections at the time of approval is required.

14. No changes or variations to the approved sewer extension's plans and specifications shall be made during construction without the approval of the Superintendent or his/her designee.

15. One complete set of reproducible drawings and digital CAD files, indicating the actual as-built plans, profiles, and details of the public sewer extension, including the location of all service tees and laterals, shall be submitted to the Superintendent upon completion of the construction.

16. The applicant for a public sewer extension shall provide the Superintendent in writing, on forms approved by the Superintendent, an agreement to immediately repair or cause to be repaired, at no cost to the WWTA, all breaks, leaks, or defects of any type whatsoever arising from any cause whatsoever occurring within the timeline given in page one of the "Contractor's Guarantees and Warranties" from the date the extension is accepted in writing by the WWTA Board of Commissioners.

17. The construction of public sewer extensions shall include the provision of either service tees and laterals or stub-outs for each tract and/or structure abutting both on-site and off-site portions of the extension as shown by plat and/or property records. The WWTA may, at its option, elect to pay the developer of the sewer extension the exact cost of the provision of service laterals to off-site tracts and/or structures, not to exceed $800 per lateral.

    The developer shall provide the Superintendent with a contractor's written certification of the exact cost of these service laterals. In cases where the average cost of the service laterals exceeds $800 each, the developer may petition the WWTA Board for additional funds. Such petitions shall be accompanied by a construction cost breakdown.

18. The WWTA may, at its option, elect to pay for any design modifications – i.e., increases in size, depth, location, pump capacity, etc., required to meet the future needs of the WWTA. The WWTA may, at its option, elect to contract the construction of off-site public sewer extensions for the developer. In such cases, the

developer will pay the WWTA for the cost of construction, excluding the cost of service laterals on the extension, before construction begins.

19. Final acceptance of public sewer extensions shall be made by the WWTA Board of Commissioners upon the satisfactory completion of the requirements of this Section.

20. Public sewer extensions that do not comply with the requirements of this Section shall not be accepted as the WWTA public sewers and no service line connection permits will be issued for premises served by the extension. A waiver of any of these requirements must be obtained in writing from the WWTA Board.

C. Construction of Public Sewer Extensions by the WWTA

The construction of public sewer extensions to the POCS by the WWTA shall be governed by the following policies:

1. The WWTA may construct sewers to alleviate potential health hazards as outlined in the following:

    a. Property owners of an area request sewers to be installed in their area because of septic tank problems that could create health hazards. These areas shall be verified to have potential health hazards by a study/report from the Regional Health Department.

    b. Property owners in the areas identified above by the Health Department will be asked to participate in the remediation of the potential health hazard by contributing toward the estimated Project Cost. At least 70% of the property owners in the area must agree to contribute toward the estimated Project Cost. The property owners shall designate a representative among themselves who will be the contact between the property owners and the WWTA. The WWTA will not be responsible for contacting individual property owners.

    c. After the project is bid and prior to construction of the sewer extension by the WWTA, the property owners shall contribute 60% of the Project Cost or the sum total of the property owners' tapping privilege fees, whichever is greater. The Project Cost shall be the cost of construction, inspection, and easement acquisition (see paragraph e below).

    d. If the actual cost is different from the estimated cost, the residents will not be charged more if the cost is higher and the amount will be reduced if the actual cost is lower.

    e. At the discretion of the Superintendent, the WWTA may enter into a contract with a registered engineer, licensed to practice in the State of Tennessee, to design the public sewer extension. The cost of said design contract shall be included in the

estimated Project Cost. The WWTA will be responsible for the design and construction administration of the sewer extension project. The remainder of the Project Cost will be funded by the WWTA.

f. The participants' tapping privilege fee, which is required before a property owner can connect to the sewer, is included in the property owner's payment. Upon completion of the project, a Tapping Fee Certificate shall be issued to the property owner by the WWTA. The Certificate should be presented when applying for a tapping permit (see Section 4 of these Regulations).

g. When applying for a tapping privilege permit, any property owner located along the proposed project, that did not participate in the payment of the 60% cost, will be required to pay a tapping privilege fee equal to the participating property owners' cost plus the cost of a normal tapping privilege fee.

h. Any property owner in the designated area, who has been identified by the Health Department as having problems with their sewerage disposal system, will be required to connect to the sewer within 60 days of its completion.

i. See Section VI: Fees, for tapping permit fees, monthly rates, minimum bills, and payment policies.

j. The property owners shall be individually responsible for connecting to the sewer extension at their own cost. Construction of sewer service line connections shall comply with paragraph A of this section in its entirety. No sewer service line connections to the public sewer extension shall be permitted until the extension is complete and accepted by the Superintendent in writing, unless approved by the Superintendent in accordance with Paragraph A of this Section.

k. Projects shall be prioritized and approved by the WWTA Board and the Superintendent, and shall be constructed as allowed by the yearly budget.

2. <u>Option 2 – Project Cost</u>

The WWTA may assist in the construction of the sewers to alleviate potential health hazards as outlined above in Section VII C; using Option 2 – Project Cost, for Section VII C, (c) for project construction.

a. Option 2 shall require the developer/owner to be responsible for 60% of the Project Cost for construction, inspection, and easement acquisition. The cost of the design shall be included in the estimated Project Cost.

b. Prior to construction of the sewer extension by the developer/owner; the developer/owner shall submit three quotes to the WWTA for review and approval. The developer/owner shall enter into a contract with approved contractor and

contribute 60% of the Project Cost or the sum total of the developer/owner's tapping privilege fees, whichever is greater. Revision 07/16/2014

3. The WWTA may assist developers and existing businesses in extending sewers to their property (the "on-site property"), across or in front of properties not yet served by sewers (the "off-site property(ies)". This policy may be applied anywhere in the WWTA coverage region as long as all of the following criteria are met:

   a. The WWTA receives the revenue from all users who have the ability to tie onto the proposed sewer line. "Ability to tie onto" is defined by proximity and Tennessee Code and not financial ability.

   b. The projected cost of extending the sewer line to the developer's/owner's on-site property is more than the potential amount of tap-on fees. If the projected cost is less than the potential amount of tap-on fees, then the developer/owner would be required to pay the cost to extend the sewers, and the WWTA would issue tap-on certificates for the construction costs according to the existing WWTA regulations.

   c. The WWTA Board both approves the project as the best use of WWTA resources for the financial condition then existing and determines that sufficient funds are available to the WWTA for the project. It is the intent of this assistance program to only apply to sewer extensions of one-half mile or more. This assistance program only applies to developments when first approved by WWTA.

   d. There is no common ownership between the on-site and off-site properties in the previous five years from the date the developer requests assistance from the WWTA. For this section, "common ownership" exists if any party with any ownership interest (whether direct or indirect) in the on-site property also has any ownership interest (whether direct or indirect) in any of the off-site property(ies), or is related to or affiliated with the owner of any of the off-site property(ies). Revised 08/21/2013

A developer/owner may select one of the following options for the construction of the sewer line:

4. <u>Option 1 - Certificates for off-site construction</u>

   The WWTA may assist developers with the construction of sanitary sewers by issuing tapping privilege fee certificates equal to all or part of the design and construction cost of any off-site sewer line to be dedicated to the WWTA.

   a. The number of certificates will be determined by dividing the design and construction cost of the off-site sewer line by the applicable tap fee less $50. The number of certificates shall not exceed the number of establishments and/or building lots to be served by the sewers inside of the developer's

property (on-site) and constructed at the same time the off-site sewers are constructed. The construction and design cost of pump stations and force mains will only be included when the design matches the requirements of the Master Sewer Plan.

b. The certificates are assigned to individual establishments and/or building lots and may be redeemed when applying for a tapping permit. Certificates can only be applied towards the tapping permit fee and cannot reduce the tapping permit fee below $50. The certificates are non-transferable and can only be used for the establishment and/or building lots listed on the certificates. Certificates must be redeemed within five years from the date on the certificate.

c. Tapping privilege fee certificates will be issued when the sewer system is accepted by the WWTA.

5. Option 2 - WWTA Contribution

For Residential Development: The WWTA may contribute the following amount to the construction costs:

a. The projected net sewer revenue from the project for the first five years for a project proposed by a developer and the first ten years for a project proposal by and involving a member municipality. The net revenue is the WWTA sewer charge less the amount charged by the accepting authority (City of Chattanooga or Collegedale); plus

b. The amount of the known tap-on fees for the first five years. This may include tap-on fees for future or proposed construction.

6. The developer/owner would be responsible for the remaining costs. These remaining costs could be obtained from the developer/owner, other property owners along the proposed sewer line, loans, grants, municipalities, or county governments.

For Commercial Development: The WWTA may contribute the following amount to the construction costs:

a. The actual net sewer revenue from the project for the first five years for a project proposed by a developer and the first ten years for a project proposal by and involving a member municipality. Revenue will be calculated based on water consumption and not based on water meter size. The net revenue is the WWTA sewer charge less the amount charged by the accepting authority (City of Chattanooga or Collegedale); plus Revision 09/16/2015

b. The amount of actual tap-on fees for the first five years.

The amount contributed by the WWTA will be limited to the off-site construction costs. The developer/owner would be responsible for the remaining costs.

The developer/owner would be responsible for the remaining costs. These remaining costs could be obtained from the developer/owner, other property owners along the proposed sewer line, loans, grants, municipalities, or county governments. Revision 09/21/2011

7. Option 3 - WWTA Financing

The WWTA will assist in the construction of the sewer line construction by financing the construction. The developer/owner must agree to the following items before the WWTA will finance the project:

a. A lien will be placed on the developers/owners property to assure repayment of the loan.

b. Before the project will be financed, the developer/owner must pay at least an amount equal to 60% of the tap-on fees of the ultimate development.

c. Collection of funds from other adjacent property owners or potential developers, to help reduce the amount of the loan, is the responsibility of the developers/owner and not the WWTA.

Once the developer/owner agrees to the above items, the WWTA will finance the project costs in excess of Item 2 above. The developer/owner must agree to repay the WWTA in equally monthly payments with the loan amortized over five years at a rate equal to 2% over the rate at which the WWTA borrowed the funds or, if the funds are not borrowed, 2% over the prevailing interest rate if the WWTA had borrowed the funds. The monthly payment would be divided by the minimum sewer rate to determine the number of minimum bills the monthly payment represents. The initial payment would be reduced by the number of residents that would have to pay a minimum payment due to being located adjacent to the sewer line. As other property owners tie to the sewer line, that number of minimum bills would reduce the monthly payment by the developer/owner. Adjustments to the payments would be made on January 1 and July 1, of each year.

D. Private Sewer System

1. There shall be no new construction of a private sanitary sewer system that connects to or could connect to a public sewer system or to another private sewer system.

2. Any private non-traditional sanitary sewer system that is not excluded by Paragraph D.1, above, and serves more than one user must post with the WWTA a performance bond equal to the total cost of the design and construction of the sewer system and a maintenance bond equal to the cost of five years maintenance as determined by the WWTA. The bonds must be cash, cashier's check, or an irrevocable letter of credit and the amount of the bonds must be approved by the WWTA before connecting to the system. Revision 2/18/2009

E. Construction of a Low Pressure System Revised 12/15/2016

The construction of a grinder pump system shall be governed by the following policies:

1. Low pressure systems shall only be used at locations approved by the Executive Director.

2. The construction of a low pressure system shall meet the requirements of Section B. Construction of Public Sewer Extensions, with the following exceptions:

   a. The low pressure force main may be located in the right-of-way of a roadway if approved by the Executive Director.

   b. The connection to the building service and the installation of the pumping system and the line to the collector force main or gravity line shall be made by a master plumber licensed to do such work and trained by the WWTA to install such systems. The control panel, disconnect, and connection to the electrical power at the structure must be made by a licensed electrician.

3. The grinder pump system must be designed to use grinder pumps approved by the WWTA and the system may be purchased from the WWTA or from an approved manufacturer.

4. The applicant must fill out an "Application for Sewer Service (Pressure Sewers)" and a "Pressure Sewer Easement " before installation of the grinder pump and be responsible for all items listed therein.

5. The Tapping Privilege Fee, monthly rate, and minimum bill shall be the same as listed in Section VI: Fees. The cost of the grinder pump shall be paid when the Tapping Privilege Fee is paid.

6. The applicant will receive a Grinder Pump Purchase Form from the WWTA. After the Grinder Pump Purchase Form has been issued, the applicant is responsible for maintaining the form and submitting it to obtain the grinder pump equipment. In the event that a Duplicate Grinder Pump Purchase Form must be issued by the WWTA, the applicant must pay a minimum fee of $100.

F. Installation of Small Diameter Sewer System

1. Small diameter sewer systems shall only be used at locations approved by the WWTA.

2. The tanks used shall meet the requirements of the WWTA and approved before installation.

3. The tanks shall be located for easy access by the WWTA for inspection, maintenance, and pumping. Tanks shall be placed close to a road whenever possible. If the tank is located so that the driveway is the only way to gain access, the WWTA will not be responsible for any damage to the driveway.

4. The area where the tank is placed must remain easily accessible to the WWTA. Cleanouts for the tank and sewer line must remain visible for maintenance.

5. The WWTA must be called before installation begins so that it can perform a visual inspection of the tank and approve the area the tank is going to be installed.

6. After installation a 24-hour leak down test will be done on the tank by the contractor.

7. All small diameter pipes that cross under a roadway or driveway must be installed in a ductile iron casing pipe.

8. Permanent Easements.

SECTION VIII: INSPECTIONS, MONITORING, AND ENTRY

A. Applicability

The provisions of this section shall apply as required to carry out the objectives of this Section, including, but not limited, to the regulation and enforcement of any permit conditions or construction procedures in accordance with this Section; developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Section; determining whether any person is in violation of any permit condition, effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; and any requirement established under this section.

B. Inspection of New Sewer Service Line

1. The applicant for a new sewer service line connection permit shall notify the office of the Superintendent at least 24 hours prior to the connection being complete and ready for inspection.

2. No connection to the public sewer or the sewer service line shall be backfilled before it is inspected and approved. An applicant failing to secure such an inspection shall be required, at his/her own expense, to uncover the line for inspection. Notification of at least 24 hours shall also be required for connections that must be re-inspected for approval.

3. The Superintendent or authorized representative shall have the right of entry upon the premises from which a connection is being made to the public sewer in order to determine compliance with sewer use and connection regulations.

4. No connection to the public sewer shall be made at any point except where a service junction or tee has been installed and left for that purpose without prior approval of the Superintendent. When a service junction or tee is not available, the applicant shall notify the Superintendent at least 24 hours in advance of when the connection needs to be made. In all cases, connections of this type shall be done under the inspection of the Superintendent or authorized representative, at the risk and expense of the party making the connection.

C. Inspection of Public Sewer Extensions

1. The applicant for a public sewer extension permit shall request inspection from the office of the Superintendent 48 hours before beginning any construction of the extension. The applicant shall pay the WWTA through the office of the Superintendent the exact cost of inspection of the extension as billed to the WWTA. The applicant shall provide a contractor's written certification of the fair market cost of the extension.

2. Sewer extensions that are not inspected and approved shall not be accepted as WWTA public sewers and no service line connection permits will be issued for premises served by the extension.

D. Inspections and Monitoring of Industrial Wastewater Discharge Permits

1. Inspections and monitoring shall be by RWTF (City of Chattanooga) personnel according to the provisions of Article III, Industrial Waste, in the Sewer Use and Industrial Wastewater Discharge Regulations of the City of Chattanooga.

2. The Superintendent or authorized representative, upon presentation of credentials:

   a. Shall have a right of entry to, upon, or through any premises in which an effluent source is located for which records are required to be maintained according to paragraph 1 above and,

   b. May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under Paragraph 1 above, and sample any effluents which the owner or operator of such source is required to sample.

E. Standard Procedures for Sewer Back-ups

1. Claim Standards and Procedures

   a. When a sewer backup occurs on a WWTA line or service lateral owned by WWTA then an investigation must be undertaken to determine if WWTA should accept liability. The WWTA's Insurance Adjuster may, after consultation with WWTA's Executive Director or other WWTA designee, make an initial determination to pay for some or all of the clean-up costs pending the investigation.

   b. Claims resulting from rising water, whether mixed with sewage or not, will not be covered by the WWTA. This lack of coverage shall not restrict or limit the WWTA from responding to and sanitizing or treating such affected areas, as they deem necessary and appropriate.

   c. Property damage claims shall be adjusted on an actual fair market value basis (replacement cost less depreciation) by the WWTA's Insurance Adjuster. Only direct damage resulting from the backup will be considered with the WWTA having the option to repair or replace damaged items at their discretion and consistent with standard insurance policy and practice.

   d. The WWTA may pay for up to four days of reasonable food and lodging expenses when a residence is not inhabitable as determined and authorized

by the WWTA's Insurance Adjuster, depending on the initial evaluation of possible liability by WWTA. No further additional living expenses or loss of use expenses will be covered. This coverage (per diem) shall not extend to commercial exposures.

e. If liability is accepted then the WWTA's responsibility for each back up shall not exceed the actual costs of direct structural damage including carpet replacement (flooring) that is necessary to make the dwelling/building inhabitable, as determined by the WWTA's Insurance Adjuster.

f. Any payments by the WWTA shall be made only to the extent that the loss exceeds any purchased insurance coverage that a claimant may have. Revision 06/19/2013

2. Field Procedures

a. If a resident has a backup at their home or business, they need to call a plumber to clear their line. If they need further assistance, they should call the WWTA.

b. If called, WWTA personnel will determine if the blockage is in the service line or the main line.

c. If the WWTA personnel determine that the blockage is in a service line owned by customer, WWTA will immediately notify the owner that it is the owner's responsibility to have their line cleared and their home cleaned. If WWTA owns the service line and it is determined that the customer was not at fault for the blockage then a completed back-up response form will be submitted to the owner denoting the time and date of the call, WWTA response personnel, the findings of the investigation, and the notification to the owner indicating that it is the owner's responsibility to perform any corrective action. Revision 06/19/2013

d. If the WWTA personnel determine that the backup was caused by a blockage in the WWTA line, they will do the following:

i. Immediately clear the blockage from the WWTA line.

ii. Determine if there is any damage in the structure.

iii. If no damage, WWTA personnel will run water in the service line to show the owner that the blockage has been cleared.

iv. If there is damage in the structure, immediately call the WWTA Insurance Adjuster and let the adjuster handle the damage claim.

F. Service Lateral Program (SLP)

Another of the programs the WWTA has implemented to address the mandates and environmental needs of the community is the Service Lateral Program (SLP). This program locates, evaluates, and upgrades by repairing or replacing and constant testing of private service laterals to meet EPA and TDEC mandates to reduce the need for our wastewater treatment facilities to treat non-polluted water. Currently you own the pipe between your home and the main sewer line. The federal government has provided the WWTA with funds (loans) for the SLP to meet the requirements to locate evaluate repair or replace and test service laterals. This loan will be financed by the PSLP Fee you are presently paying on your monthly sewer bill and will enable the WWTA to meet the time constraints of the EPA and TDEC. The federal government loan does require the WWTA to obtain permanent easements, own the pipe, and continue to maintain the pipe for issues that will result in Inflow and Infiltration (I & I) into the sewer system, provided that the I & I is not as a result of the actions of the builder, the owner, or tenant of the property. To participate in the SLP program, the WWTA requests property owners to grant an easement. All owners listed on the title must sign the easement document. The specific requirements of the SLP program are defined in this section.

1. Locating the Lateral

The WWTA, under the SLP, shall locate the service lateral for all gravity customers. If an existing private service lateral is not equipped with building and street cleanouts, the service lateral may be located using either one of the following two techniques:

c. Inserting a push camera at the building and working toward the main sewer; or

d. Using a remote operated camera system “Conventional Close Circuit TV “(CCTV)” or “Sonde” system which travels down the main sewer and launches a secondary camera up the private service lateral toward the building.

A push camera can be inserted through an existing cleanout when available. If no cleanout is available, with the property owner’s permission, insertion options include going through vent stack or removing a water closet (commode) and inserting the camera from there.

2. Locate Existing Cleanouts on the Service Lateral

a. All residences and businesses connected to the sewer system are required to have service lateral cleanouts. A cleanout is a vertical pipe from the service lateral to the surface. It has a removable cap for routine maintenance and emergency access. The owner and resident are responsible for knowing the location of these sewer cleanouts for quick access to stop messy, costly sewage backups in to their home.

b. If not already in place, two cleanouts will need to be installed on all existing sewer laterals for easier access toward the premises and the main sewer at the expense of the WWTA. One cleanout must be installed near the public line sewer at the easement line or the right-of-way of the street, whichever is appropriate, and the other cleanout must be installed 5 feet from the premises when unobstructed. These cleanouts will be installed after the service line has been located. Where possible, a double or "two-way" cleanout will be installed at the public sewer easement line nearest to the premises or the right-of-way of the street, whichever is appropriate.

3. Service Lateral Evaluations

a. Once the laterals are located and cleanouts installed (if needed) each lateral must be inspected and tested to determine its condition. These inspections may include, but are not limited to the following:

i. Internal inspection (CCTV) if not performed during the location process;

ii. Smoke and dye testing; and

iii. Pressure Testing

The internal inspection will determine if there are roots, open joints misalignments or blockages and the lateral smoke and dye testing will reveal locations of possible storm water intrusion into the lateral (either accidental or intentional). Pressure testing will determine if the lateral has defective joints which may allow infiltration to enter the system.

b. The inspection process must be conducted under the direction of a master plumber, licensed by Hamilton County. The results of the inspections will be reported to the WWTA.

c. As part of the SLP, the WWTA will notify property owners when lateral improvement work is required at the expense of the WWTA. A notice will be placed on the door prior to construction to repair or replace the service lateral. If there are defective sewer laterals with prohibited connections to the sewer system that violate area plumbing codes, WWTA regulations, and/or federal regulations that are as a result of the actions of the builder, the owner, or the tenant of the property these conditions must be corrected at the owner's expense.

4. Service Lateral Repairs

If the service lateral evaluation report indicates that repairs are required, the property owner will be notified and given a time in which WWTA will make the repairs at the WWTA expense. When the evaluations indicate that a repair of the lateral is necessary, at least the following two options will be considered and the method chosen will be in the sole discretion of the WWTA:

a. Dig and replace the service lateral which involves more disruption to the property, but may be required where the service lateral is severely deteriorated. Every effort will be made to return the property in the same condition that it was prior to the excavation of the service lateral.

b. A cured-in place pipe (CIPP), which is a trenchless technology, will be inserted through the mainline restoring the service connection along with the lateral.

Service Lateral repairs performed under the SLP will be related to the reduction of infiltration. SLP Funds will be used only to reduce infiltration.

5. Service Lateral Periodic Re-Inspections

The WWTA may wish, in the future, to conduct re-inspections of the lateral pipe. These inspections may include, but are not limited to internal inspection (CCTV), smoke and dye testing, and pressure testing. If evidence of prohibited connections, as described in Paragraph 3c above or illicit discharges into the sewer system, other than normal sewage is observed or inflow and infiltration as a result of the actions of the builder, the owner, or tenant of the property is observed, the repair costs would not be funded by the WWTA. The owner will be responsible for removing the prohibited connections, and/or illicit discharges and having the lateral recertified.

6. Notification

a. Under the SLP, the WWTA is obligated to give notice to property owners of impending repairs by its employees, agents or contractors. This notice may be in writing or by posted signs in areas and neighborhoods of its planned inspection and repair.

b. If re-inspections are required of the WWTA because of sewer back-ups or as a matter of continued monitoring, the WWTA is obligated to give notice to property owners of the re-inspection in writing and reasons for the inspection.

7. Penalties

a. If access is denied by the property owner for the initial inspection, WWTA will charge to said property owners for I & I in the main sewer system an amount not to exceed three (3) times the cost of cleanup, repair, enforcement, and damages (including costs incurred by the authority to make repairs or perform other work necessitated by the failure of the property owner) as a result of failure to participate in the Service Lateral Program.

b. If a property owner fails to have the private service lateral recertified as provided in these Regulations in Paragraph 5 above, then WWTA may charge an amount not to exceed three (3) times the cost of cleanup, repair, enforcement, and damages (including costs incurred by the authority to make repairs or perform other work necessitated by the failure of the property owner).

c. If additional work is required, due to the actions of the property owner or tenant, for the completion of service lateral repair or maintenance under the SLP/PSLP, the property owner may be responsible for repayment to the WWTA for an amount not to exceed three (3) times the cost of cleanup, repair, enforcement, and damages (including costs incurred by the authority to make repairs or perform other work necessitated by the failure of the property owner.). Revision 7/19/2017

SECTION IX: DANGEROUS DISCHARGE NOTIFICATION REQUIREMENTS

A. Telephone Notification

Any person causing or suffering any discharge whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the POCS, shall notify the Superintendent immediately by telephone.

B. Written Report

Within five days following such occurrence, the user shall provide the Superintendent with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POCS, RWTF, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by the RWTF, or other applicable Federal, State and local laws.

C. Notice to Employees

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge are advised of the emergency notification procedure.

SECTION X: ENFORCEMENT AND ABATEMENT

A. Public Nuisance

Discharge of wastewater in any manner in violation of this Section, or of any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein.

B. Superintendent to Notify User of Violation

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

C. Conciliation Meetings

1. The Superintendent 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 violation. Such additional meetings as the Superintendent and the user deem advisable may be held to resolve the problem.

2. If the user and the Superintendent can agree to appropriate remedial and preventative measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit.

3. If an agreement is not reached through the conciliation process within sixty (60) days, the Superintendent shall institute such other actions, as he deems advisable to insure the user's compliance with the provision of this Section or other law or regulation.

D. Show Cause Hearing

1. The Superintendent may issue a show cause notice to the user directing the user to appear before the WWTA or RWTF at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this Section, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user.

2. If the Superintendent seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, the Superintendent shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare a defense.

3. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the scheduled hearing date.

E. Injunctive Relief

1. The Superintendent shall, in the name of the WWTA, file in Circuit or Chancery Court of Hamilton County, Tennessee, or such other courts, as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this Section or other applicable law or regulation.

2. Suit may be brought to recover any and all damages suffered by the WWTA and/or RWTF as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POCS or RWTF or for any other expense, loss or damage of any kind or nature suffered.

F. Assessment of Damages to Users

1. When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities, or any expense of whatever character or nature to the WWTA or RWTF, the Superintendent shall assess the expenses incurred by the WWTA or RWTF to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred which may include, without limit, damage to the public right-of-way.

2. The Superintendent shall file a claim with the user or any other person causing or meaning said damages to incur seeking reimbursement for any and all expenses or damages suffered by the WWTA or RWTF. If the claim is ignored or denied, the Superintendent shall notify the WWTA counsel to take such measures as shall be appropriate to recover for any expense or other damages suffered.

G. Superintendent May Petition for Federal or State Enforcement

In addition to other remedies for enforcement provided herein, the Superintendent may petition the State of Tennessee or the United States Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunction relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POCS or RWTF, or to prevent such other water pollution as may be regulated by local, state or federal law.

H. Emergency Termination of Service

1. In the event of an actual or threatened discharge to the POCS of any pollutant which, in the opinion of the Superintendent, presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POCS, the Superintendent, shall immediately notify the WWTA Chairperson and counsel of the nature of the emergency.

2. The Superintendent shall also attempt to notify the Industrial User or other person causing the emergency and request their assistance in abating same. Following consultation the Superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the Superintendent as soon as the emergency situation has been abated or corrected.

I. Reporting by Superintendent

The Superintendent shall report to the Board any intent to institute any action under the provisions of subsections E, and G hereof and seek the advice of the Board in regard thereto, unless he shall determine that immediate action is available.

SECTION XI: WWTA BOARD

The WWTA Board shall consist of such persons as specified in the WWTA Law. The WWTA Board shall have such powers and duties as specified in the WWTA Law.

A. General Duties of the Board

In addition to any other duty or responsibility otherwise conferred upon the Board the WWTA Law, the Board shall have the duty and power as follows:

1. To grant exceptions pursuant to the provisions hereof, and to determine such issues of law and fact as are necessary to perform this duty.

2. To hold hearings upon appeals from orders or actions of the Superintendent as may be provided under any provision of this Section.

3. To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit as it is provided in this Section and issue appropriate orders relating thereto.

4. To hold such other hearings relating to any aspect or matter in the administration of these Regulations and to make such determinations and issue such orders as may be necessary to effectuate the purposes of these Regulations.

5. To request assistance from any officer, agent, or employee of the Chattanooga-Hamilton County Regional Planning Agency, or other public agencies, to obtain such information or other assistance as the Board might need.

6. The Board, acting through its Chairperson, shall have the power to issue subpoenas requiring attendance testimony and of witnesses and the production of documentary evidence relevant to any matter properly heard by the Board to the extent authorized by law.

7. The Chairperson or vice-Chairperson shall be authorized to administer oaths to those persons giving testimony before the Board.

8. The Board shall hold regular meetings and such special meetings the Board may find necessary.

9. Three of the at large members of the Board shall constitute a quorum, but a lessor number may adjourn the meeting from day to day. A majority vote of those members of the Board present at any meeting is required to make determination or to act on issues that are under the authority of the Board.

10. The Board may adopt Rules of Order and By Laws to govern its affairs.

SECTION XII: SUPERINTENDENT

A. Superintendent and Staff

The Superintendent and staff shall be responsible for the administration of these Regulations and such duties as may be required, from time to time, by the Board.

B. Authority of Superintendent

The Superintendent shall have the authority to enforce these Regulations. The Superintendent shall be responsible and have the authority to operate the various treatment works. The Superintendent shall be responsible for the preparation of operating budgets and recommendations to the Board, concerning activities within the Superintendent's responsibility and authority.

C. Records

The Superintendent shall keep in office all applications required under these Regulations, a complete record thereof, including a record of all wastewater discharge permits. The Superintendent shall also maintain other records of the WWTA, as directed by the Board.

D. Superintendent's Responsibilities

1. The Superintendent shall attend all meetings of the WWTA Board. Whenever necessary to be absent, the Superintendent shall send a designated representative.

2. The Superintendent shall notify Industrial Users identified in 40 C.F.R. 403.8 (f)(2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of section 204(b) of the Act (33 U.S.C. 1284), section 405 of the Act (33 U.S.C. 1345), or under the provisions of sections 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act.

3. Failure of the Superintendent to so notify Industrial Users shall not relieve said users from the responsibility of complying with said requirements.

4. The Superintendent shall comply with all applicable public participation requirements of section 101(e) of the Act (33 U.S.C. 1251(e) and 40 C.F.R. Part 105 in the enforcement of National Pretreatment Standards.

5. The Superintendent shall at least annually provide public notification, in a daily newspaper published in Hamilton County, of Industrial Users during the previous 12 months, which at least once were not in compliance with the applicable Pretreatment Standards or other pretreatment requirements.

6. The notification shall summarize enforcement actions taken by the control authorities during the same 12 months. An Industrial User shall be deemed to be in compliance with applicable Pretreatment Standards or other pretreatment requirements if the user has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of Section 3.

SECTION XIII: WASTEWATER REGULATIONS CLAIM PROCEDURE Revision 06/15/2016

A. Claims and/or Administrative Appeals from WWTA Staff or Employee Decisions or Actions

1. Any customer, person or entity having a claim against the WWTA staff/employees or their designees regarding their actions must first present such claim to the WWTA Variance Committee. Such a claimant must contact WWTA staff and request to be placed on the Variance Committee agenda at least one week (but no more than 4 weeks) prior to the next Variance Committee.

2. The claimant must provide WWTA staff with sufficient information prior to the Variance Committee meeting in order for WWTA staff to provide the WWTA committee members with sufficient facts to provide an accurate notice of the claim prior to the committee meeting.

3. The claimant shall present his or her claim at the Variance Committee. Committee members shall make a recommendation to the full WWTA Board. The Variance Committee may at its discretion refer such claim to another committee.

4. The WWTA Board shall hear such claim upon referral from the Variance or Development Committee. The WWTA Board shall consider and vote how to resolve such claim. Such consideration may approve the claim, reject the claim or make such other determination that the WWTA Board deems appropriate. Such decision by the WWTA must be reflected in the official minutes of the WWTA Board meeting for that month.

5. The claimant may appeal any such decision by filing a written notice of appeal with the WWTA Executive Director, or Executive Director's designee, within 15 days of the WWTA Board decision as required by T.C.A. Section 68-221-608.

6. Said written notice may be delivered to the WWTA Executive Director via mail, fax or email.

   WWTA Executive Director
   Development Resource Center
   1250 Market Street, Suite 3050
   Chattanooga, Tennessee 37402
   WWTA_3rd@HamiltonTn.gov
   Office: (423) 209-7842
   Fax: (423) 209-7843

7. Attached to this Section XIII is a sample form which must be fully completed and filed to provide sufficient written notice of appeal as required by T.C.A. Section 68-221-608.

8. Any WWTA staff or employee decision based upon a WWTA Board decision, WWTA By-law or WWTA Rules/Regulations will be considered a challenge to the Board decision, by-law or rule/regulation and not to the employee or staff decision.

B. CLAIMS AND/OR ADMINISTRATIVE APPEALS FROM WWTA BOARD DECISIONS OR ACTIONS

1. Any claim filed challenging a WWTA Board decision, ruling, by-law or regulation must be made within 15 days immediately following the date of the WWTA Board action being challenged or 15 days following enactment of such rule, regulation or by-law.

2. The claimant may appeal any such decision, ruling, by-law or regulation by filing a written notice of appeal with the WWTA Executive Director or Executive Director's designee within 15 days as required by T.C.A. Section 68-221-608.

3. Said written notice may be delivered to the WWTA Executive Director via mail, fax or email.

   WWTA Executive Director
   Development Resource Center
   1250 Market Street, Suite 3050
   Chattanooga, Tennessee 37402
   WWTA_3rd@HamiltonTn.gov
   Office: (423) 209-7842
   Fax: (423) 209-7843

4. Attached to this Section XIII is a sample form which must be fully completed and filed to provide sufficient written notice of appeal as required by T.C.A. Section 68-221-608.

5. Any WWTA Board decision based upon a WWTA long standing Board precedent, WWTA By-law or WWTA Rules/Regulations will be considered a challenge to the Board precedent, by-law or rule/regulation and not to the most recent Board decision.

C. ADMINISTRATIVE APPEAL FOLLOWING PROPER WRITTEN NOTICE OF APPEAL PURSUANT TO T.C.A. Section 68-221-608

1. Once the WWTA Executive Director receives a proper Written Notice of Appeal pursuant to T.C.A. Section 68-221-608 (under either section A or section B above) the Executive Director or designee shall schedule a full administrative appeal with the WWTA Board

2. The WWTA Board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this Section

3. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The Board shall make a record of such hearing, but the same need not be a verbatim record

4. Any party coming before the Board shall have the right to have said hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the Board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the Board with the original of the transcript so that it may be certified to the Court.

5. The Chairperson may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the Chairperson at least 10 days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced.

6. Upon endorsement of a subpoena by the Chairperson, the same shall be delivered to the Sheriff for service by any Police Officer of the County. If the witness does not reside in the County, the Chairperson shall issue a written request that the witness attend the hearing.

7. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in manner consistent with the Tennessee Rules of Civil Procedure, with the Chairperson to rule on such matters as would require a ruling by the court under said rules.

8. The party at such hearing bearing the affirmative burden of proof shall first call witnesses, to be followed by witnesses called by other parties to be followed by any witnesses that the Board may desire to call.

9. Rebuttal witnesses shall be called in the same order. The Chairperson shall rule on any evidentiary questions arising during such hearing, and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the Board.

10. The Board, the Executive Director, or representative, and all parties shall have the right to examine any witness. The Board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

11. Delegation of Authority: The Vice-Chairperson shall possess all the authority delegated to the Chairperson by this section when acting in the Chairperson's absence.

12. Judicial Review: Any person aggrieved by a final order or determination of the Board hereunder shall have judicial review by common law writ of certiorari pursuant to T.C.A. Section 68-221-608

NOTICE OF APPEAL TO WWTA BOARD

Name **(print)**: _____

Address: _____

_____

Phone: _____

Email: _____

Name and address of person representing you:

_____

_____

_____

_____

1. Describe action being appealed. (Use back of form or attach additional paper if necessary.)

_____

_____

_____

2. Date you claim the WWTA action took place which you are appealing. _____

3. Describe how you were aggrieved or damaged. (Use back of form or attach additional paper if necessary.)

_____

_____

_____

4. Factual basis for appeal. (Use back of form or attach additional paper if necessary.)

_____

_____

_____

5. Describe relief sought. (Use back of form or attach additional paper if necessary.)

_____

_____

_____

_____ _____

Signature of Claimant Date

SECTION XIV: PENALTIES FOR VIOLATIONS OF SECTION PERMIT CONDITIONS OR ORDER

A. Violations

Any person who shall commit any act declared unlawful under these Regulations, who violates any provision of these Regulations, who violates the provisions of any permit issued pursuant to these Regulations, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action required by the WWTA, shall be guilty of a civil offense.

B. Penalties

The WWTA declares that any person violating the provisions of these Regulations may be assessed a civil penalty by the WWTA of an amount not to exceed three (3) times the cost of cleanup, repair, enforcement, and damages (including costs incurred by the authority to make repairs or perform other work necessitated by the violation or not to exceed five (5) times the fees avoided. Each day of violation shall constitute a separate violation. Revision 7/19/2017

C. Measuring Civil Penalties

In assessing a civil penalty, the WWTA may consider:

1. The harm done to the public health or the environment.

2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

3. The economic benefit gained by the violator.

4. The amount of effort put forth by the violator to remedy this violation.

5. Any unusual or extraordinary remedial or enforcement costs incurred by the WWTA or any participating municipality.

6. The amount of penalty established by ordinance or resolution for specific categories of violations.

7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

D. Recovery of Damages and Costs

In addition to the civil penalty in subsection (B) above, the WWTA may recover:

1. All damages proximately caused by the violator, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with these Regulations, or any other actual damages caused by the violation.

2. The costs of maintenance of wastewater facilities when the user of such facilities fails to maintain them as required by these Regulations.

E. Other Remedies

The WWTA or any participating municipality may bring legal action to enjoin the continuing violation of these Regulations, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

F. Remedies Cumulative

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or .