

ORDINANCE -2025

AN ORDINANCE TO AMEND THE CITY OF MT. JULIET CODE OF ORDINANCES, CHAPTER 30 - UTILITIES, DIVISIONS 1 THROUGH 12

WHEREAS, the Board of Commissioners of the City of Mt. Juliet desires to amend the City of Mt. Juliet Code of Ordinances, Chapter 30, Divisions 1 through 12; and

WHEREAS, the amendments to Chapter 30 will update the code primarily related to department reorganization within the City, prior City budget approvals, and typographical errors; and

WHEREAS, the following Divisions/Sections of Chapter 30 of the Code of Ordinances are desired to be amended:

DIVISION	SECTION	SECTION TITLE
Division 1	Section 30-19	Purpose and policy
	Section 30-20	Definitions
Division 2	Section 30-44	Connection with sanitary sewer required
	Section 30-46	Right to enter and inspect connection
	Section 30-47	Demolished buildings
	Section 30-50	Grase, grit, oil, and lint interceptors or traps
Division 3	Section 30-76	Installation, maintenance, repair of sewer service lines
	Section 30-77	Service line to enter sewer at junctions; exceptions
	Section 30-78	Application for discharge of domestic wastewater
	Section 30-79	Acceptance of work
Division 4	Section 30-102	Availability
	Section 30-103	Requirements
Division 5	Section 30-135	Purpose and policy
	Section 30-141	Limitations on radioactive waste
	Section 30-144	Restrictions on wastewater strength
	Section 30-145	Storm drainage, ground, unpolluted and contaminated stormwater
	Section 30-146	Use of garbage disposals
Division 6	Section 30-181	Plans and Specifications
	Section 30-182	Prevention of accidental discharges
	Section 30-183	Oil and grease control program
	Section 30-184	Slug discharge control program
	Section 30-185	Prohibition of bypass
	Section 30-186	Exceptions to wastewater limitations

Division 7	Section 30-212	Application and permit requirements
	Section 30-213	Report requirements
	Section 30-214	Incomplete applications
	Section 30-215	Evaluation of application
	Section 30-216	Notification of proposed permit conditions
	Section 30-217	Board to establish permit conditions
	Section 30-221	Duration of permits
	Section 30-222	Transfer of permit
Division 8	Section 30-251	Inspection, monitoring, and entry
	Section 30-252	Reports
	Section 30-253	Monitoring facilities
	Section 30-255	Dangerous discharge notification
	Section 30-257	Notification of hazardous waste and discharge
	Section 30-258	Notification of changed discharge
	Section 30-262	Reporting of all monitoring
	Section 30-263	Notice of bypass
	Section 30-265	Records retention period
	Section 30-266	Confidential information
Division 9	Section 30-296	Hearings
	Section 30-297	Civil penalty
	Section 30-298	Assessment of noncompliance and significant noncompliance
	Section 30-299	Judicial proceedings and relief
	Section 30-300	Administrative enforcement remedies
Division 10	Section 30-324	Wastewater volume
	Section 30-325	Estimated wastewater volume
Division 11	Section 30-358	Application charge
	Section 30-359	Base charge
	Section 30-360	Capacity charge
	Section 30-365	Tap fee
	Section 30-366	Use charges
	Section 30-367	Outside city customer
	Section 30-369	Waiving sign-up fee for sewer activation fee for active-duty military personnel
	Section 30-370	Processing fee and other charges for utility customers paying with credit or debit cards
Division 12	Section 30-395	Wastewater hearing authority board
	Section 30-396	Utilities director

WHEREAS, the specific amendments desired to be made to Chapter 30 of the Code of Ordinances are exhibited in redline form in the attached document.

NOW, THEREFORE, BE IT ORDAINED by the City of Mt. Juliet Board of Commissioners, the City of Mt. Juliet Code of Ordinances is amended as follows:

Section 1. Division 1, Section 30-19 Purpose and policy, Subsection (b), is amended to read in its entirety as follows:

- (b) Application and administration. This article shall apply to the City of Mt. Juliet and to persons outside the city limits who are, by contract or agreement with the City of Mt. Juliet, users of the Mt. Juliet publicly owned treatment works. Except as otherwise provided herein, the Mt. Juliet Utilities Director shall administer, implement, and enforce the provisions of this article.

Section 2. Division 1, Section 30-20 Definitions, Subsection (a), is amended to read as follows for each definition:

City means City of Mt. Juliet, TN; Mt. Juliet Utilities Department.

Director or director of utilities means the person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article. The term also means a duly authorized representative of the director.

Superintendent means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. The Mt. Juliet Director of Utilities shall also be the "superintendent" as the term is used in this Code unless the city manager designates someone else as superintendent.

Section 3. Division 2, Section 30-44 Connection with sanitary sewer required, is amended to read in its entirety as follows:

Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within 200 feet of the building drain of the parcel shall be considered as being served by the city's sanitary sewer system.

All buildings hereafter constructed on property which is served by the publicly owned treatment works shall not be occupied until connected to the public sewer. The owner or occupant of each lot or parcel of land which is now served or which may hereafter be served by the Mt. Juliet sewer system feeding into a publicly owned treatment works shall cease to use any other method for the disposal of sewage except as provided for direct discharge by the Tennessee Department of Environment and Conservation or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available unless the user is exempt under the following provisions. The engineering director shall decide whether sewers are available using the criteria established herein. All premises served by the publicly owned treatment works are subject to sewer use charges as described in [sections 30-356 through 30-370] unless exempt under the following exemptions.

Natural persons meeting all of the following conditions are exempt from mandatory hookup and use charges:

- (1) *Original or annexed owners:* Owners of residential property who have owned and occupied the property continuously since September 30, 1987, or who were or are annexed into the city thereafter are exempt from mandatory connection and from payment of mandatory use charges and mandatory connection (but not the availability charge) if:
 - a. They have not transferred the property or any ownership interest therein; and
 - b. Their private system is not defective and does not hereafter become defective for a continuous ten-day period; and
 - c. They have not constructed a new dwelling or workplace on the property since September 30, 1987; and
 - d. They have not voluntarily purchased a tap other than pursuant to a condemnation settlement or as a part of a settlement about sewer right-of-way acquisition by the city; and
 - e. The property is used only as the home of the owner.
- (2) *Owners of property to which sewers become available:* Owners of residential property to which sewers become available, and who do not meet the criteria of paragraph (1) above, shall pay the same charge which they would pay if connected to the sewer. They shall be required to pay connection and tap fees and shall connect to the sewer system when the first of the following events occur:
 - a. The day they sell the property; or
 - b. The occurrence of failure or defect of their septic or other alternative sewer system for a continuous period of ten days; or
 - c. The date of completion of a new dwelling.
- (3) *Purchasers of property to which sewer is available:* Any purchaser of property containing a habitable structure, who does not meet the exemptions contained in the preceding two paragraphs, shall immediately pay any unpaid tap or connection fees and connect the property to the sewer system. The seller of property shall be responsible to the buyer for paying the tap fee and connection charges unless they agree otherwise in writing. Both the buyer and seller shall be responsible to the city for the tap fee and all connection charges.
- (4) *People totally exempt:* People who have owned and occupied their homes since October 31, 1984, are exempt from the availability charge and from any minimum charge on the home unless they are connected to the system or have purchased a tap or their alternative septic system is failing. This exemption is granted because it was the promise made to them at the time the system was proposed (see Ord. 87-10 Sec. 2 et. al.) and bought their acquiescence in the construction of the system, without which the system may have never been built.
- (5) *Water not entering the sewer system.* To the extent feasible sewer use charges are based upon water placed in the sewer system by the user. The amount of water used by an owner or occupant of property shall be the amount used to establish the amount of water entering the sewer system. Any person using an unmetered source of water such as a well, shall install a meter and notify the director of utilities. Adjustments for use of water during warm weather and peak use months shall be provided for by totaling the charges billed in the months of December, January, February and March and obtaining the average of these bills by dividing the total of the four months bills by four.

The amount derived shall be the amount billed during the months of June, July, August, September, October and November. The remaining months will be billed for actual use.

If a sewer user can prove to the satisfaction of the utilities director that a specific amount of water is not going to the system, and is not adjusted, the public works director is authorized, subject to approval of the city manager, to adjust the bill. If such adjustments are recurring the public works director may require the user to obtain a separate meter and system, for measuring water not going to the sewer system, as a requirement to consideration of further adjustments. (Amended by Ordinance 98-46 dated 12-7-98).

- (b) *Unconnected sewer service lines prohibited.* Except for discharge to a properly functioning septic tank system or discharges permitted by an National Pollutant Discharge Elimination System permit issued by the Tennessee Department of Environment and Conservation, the discharge of sewage into places other than the publicly owned treatment works is prohibited.
- (c) *Insufficient capacity, connection moratorium.* In those parts of the sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the Tennessee Department of Environment and Conservation, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. No new plumbing permits shall be issued for new buildings in a moratorium area after the effective date of the moratorium. A moratorium shall continue to be in effect until capacity restriction has been corrected.

Section 4. Division 2, Section 30-46 Right to enter and inspect connection, is amended to read in its entirety as follows:

The utilities director, building inspector, or their representative shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the sanitary sewer are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause of reasonable suspicion that there may be inadequate facilities, the facilities present may not be properly functioning, there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or at any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to disrupt the treatment process, or shall damage the publicly owned treatment work's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

Section 5. Division 2, Section 30-47 Demolished buildings, is amended to read in its entirety as follows:

When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his representative shall notify the utilities director of the plug and have the plug inspected prior to covering any work. Before reusing a plugged line, it must first be inspected by the utilities director and be in conformity with the existing standards.

Section 6. Division 2, Section 30-50 Grase, grit, oil, and lint interceptors or traps, is amended to read in its entirety as follows:

Restaurants, laundries, wash racks, service stations, private multi-user systems, engine or machinery repair shops, veterinarian facilities, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the publicly owned treatment works sewers or threaten the safety of its employees, shall install and maintain a grease interceptor or trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the utilities director and constructed in accordance with applicable building codes. All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Section 7. Division 3, Section 30-76 Installation, maintenance, repair of sewer service lines, Subsections (b), (d), and (j), are amended to read in their entirety as follows:

(b) *Installation of sewer service lines.*

Gravity. Four-inch building sewers shall be laid on a grade greater than one-eighth-inch per foot (at least one percent). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet per second. The slope and alignment of all building sewers shall be neat and regular. The landowner shall be responsible for hiring a licensed plumber to install gravity lines.

Pressure. The city shall install all pressure lines between the trunk and a grinder pot. The city shall install the grinder pot. The director of utilities reserves the right to require the owner to perform the installation of pressure lines and grinder pot. The owner shall be responsible for plumbing from the structure to the grinder pot. On new construction the owner shall dig all the ditch required for installation.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron soil pipe using rubber compression joints of approved type; (2) polyvinyl chloride pipe with rubber compression joints; or (3) similar materials of equal or superior quality following public works director approval. Under no circumstances will cement mortar joints be acceptable. Each connection to the sewer system must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of a saddle attached to the sewer. The city must approve the type and manner of all connections. No person may connect to the sewer by breaking into an existing sewer and inserting the service line.

The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sewer is at a grade of one percent or more. In cases where basement or floor levels are lower than the ground levels at the point of connection to the sewer the owner shall install a check valve or other back flow prevention device adequate to prevent flooding. In all buildings in which any building drain is too low to permit gravity flow to the sewer, wastes carried

by such building drain shall be lifted by an approved means and discharged into the publicly owned treatment works sewer.

- (d) *Fees.* All costs and expenses incident to the installation, connection, and inspection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The city reserves the right to impose a sewer service line charge for every sanitary sewer service line installed where a lateral sewer connection has been provided for use by the applicant. The rate of charge will be established by the utilities director.

Any person constructing lines for a subdivision shall pay an inspection fee of ten percent of the cost of constructing the sewer system. They shall sign a comprehensive contract provided by the engineering director and shall pay the inspection fee and the capacity fee and post the letter of credit and do the other things required in the contract prior to commencing construction. A sample contract is [available in the office of public works and engineering].

- (j) *Methods of installation.* The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction or repair of a building sewer which have not been described in this section shall conform to the requirements of the building or plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation manuals. Any deviation from the prescribed procedures must be approved by the utilities director.

Section 8. Division 3, Section 30-77 Service line to enter sewer at junctions; exceptions, is amended to read in its entirety as follows:

No service lines shall enter the sanitary sewer at any point except where a junction has been made unless special permission has been given by the utilities director. In any case where such permission has been given, the work shall be done under the inspection of the public works director or his representative and at the risk and expense of the party making the connection.

Section 9. Division 3, Section 30-78 Application for discharge of domestic wastewater, is amended to read in its entirety as follows:

All users or prospective users which generate domestic wastewater shall make an application to the engineering director for written authorization to discharge to the sanitary sewer. Applications shall be required from all new dischargers as well as for existing dischargers desiring additional service. Connection to the sanitary sewer shall not be made until the application is received and approved by the utilities director, the building sewer is installed in accordance with applicable rules and regulations of the city and an inspection has been performed by the utilities director or his representative.

Connections made without an approved application may be severed by order of the utilities director. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an alternative fee in lieu of the normal fees, but in an amount double the normal fees.

The receipt by the city of a prospective customer's application for service shall in no way obligate the city to render the service. If the service applied for cannot be supplied in accordance with this article and the city's rules and regulations, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers may be granted for additional services by the engineering director for interim periods if compliance may be assured within a reasonable period of time.

Section 10. Division 3, Section 30-79 Acceptance of work, is amended to read in its entirety as follows:

All sewer construction involving interceptor lines, pump stations, metering stations, and appurtenances which shall become part of the city's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the utilities director. Any construction work where sewers are opened, uncovered, or undercut must also have the prior approval of the utilities director.

Section 11. Division 4, Section 30-102 Availability, is amended to read in its entirety as follows:

Where a public sanitary sewer is not available under the provisions of section [30-44], the building sewer shall be connected to a private wastewater disposal system complying with the requirements of this section.

Where a public sewer shall become available, the building sewer shall be connected to the sewer within 60 days after official notification by the utilities director or his representative to do so.

Section 12. Division 4, Section 30-103 Requirements, Subsection (a), is amended to read in its entirety as follows:

- (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the engineering director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing sub-surface oil absorption facilities where the area of the lot is less than that specified by the City of Mt. Juliet and the Wilson County Health Department.

Section 13. Division 5, Section 30-135 Purpose and policy, is amended to read in its entirety as follows:

This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged to the publicly owned treatment works. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and environment, to enable the city to meet requirements contained in its National Pollutant Discharge Elimination System permit, or other jurisdictional wastewater permits. The utilities director shall review the limitations from time to time to ensure that they are sufficient to protect the health and safety of publicly owned treatment works personnel and the operation of the treatment works to enable the facility to comply with its National Pollutant Discharge Elimination System permit, other jurisdictional wastewater permits, provide for a cost effective means of operating the treatment works, and protect the public health and environment. The public works director shall recommend changes or modifications as necessary.

Section 14. Division 5, Section 30-141 Limitations on radioactive waste, Subsection (3) is amended to read in its entirety as follows:

- (3) When a copy of permits received from regulatory agencies has been filed with the utilities director.

Section 15. Division 5, Section 30-144 Restrictions on wastewater strength, is amended to read in its entirety as follows:

No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Mt. Juliet Local Limits Operational Division Policy No. 2008-01 (Table A). The city shall monitor the wastewater to Metro Water Services, City of Nashville collection system for each pollutant in Table A of the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. Industrial users shall be subject to reporting and monitoring requirements as set forth in this article and the Mt. Juliet Local Limits Operational Division Policy No. 2008-01. In the event that the discharge to the Metro Water Services, City of Nashville collection system reaches or exceeds the levels set forth in this table, the utilities director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the city the necessary remedial measures. The utilities director may also recommend changes to these criteria, or establish new local limits, in the event that the City of Mt. Juliet permit limits are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the publicly owned treatment works.

The city may develop best management practices (BMPs) by policy, or in individual wastewater discharge permits, or general permits, to implement local limits and the requirements of ordinance. All users subject to BMP requirements must provide documentation to show compliance with BMPs. Any categorical industrial user or significant industrial user subject to BMP requirements must submit documentation to the city to show compliance with BMPs. The BMP documentation must be retained by the user for at least four years.

Section 16. Division 5, Section 30-145 Storm drainage, ground, unpolluted and contaminated stormwater, Subsection (a), is amended to read in its entirety as follows:

- (a) No stormwater, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the city's sewer unless no other reasonable alternative is available, except with permission from the utilities director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flow meter or a reasonable estimate accepted by the utilities director. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.

Section 17. Division 5, Section 30-146 Use of garbage disposals, is amended to read in its entirety as follows:

No waste from garbage disposals shall be discharged into the publicly owned treatment work's sewers except from private garbage disposals used in an individual residence or upon permit issued by the utilities director for preparation of food consumed on premises, and then only when applicable fees are

paid. It shall be unlawful for any person to use a garbage disposal grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

Section 18. Division 6, Section 30-181 Plans and Specifications, is amended to read in its entirety as follows:

Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, and dated by a competent environmental professional, and be submitted to the engineering director for review in accordance with accepted practices. The engineering director shall review the plans within 30 days of receipt and recommend to the user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the utilities director. Prior to beginning construction, the industrial user shall also secure all necessary permits.

The user shall construct the pretreatment facility within the time frame specified in the compliance schedule of the wastewater discharge permit. Following completion of construction, the user shall provide the utilities director with as-built drawings to be maintained by the utilities director. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce effluent complying with the provisions of this article. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and approved by the engineering director prior to implementation.

All new food service establishments, or existing food service establishments that are being upgraded or remodeled, must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Section 19. Division 6, Section 30-182 Prevention of accidental discharges, is amended to read in its entirety as follows:

All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the publicly owned treatment works of waste regulated by this article 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 article. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of regulated waste 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 accidental discharge. Plans, specifications, and operating procedures shall be developed by the user and submitted to the engineering director for review. Section [30-184] includes slug discharge control program requirements.

Section 20. Division 6, Section 30-183 Oil and grease control program, is amended to read in its entirety as follows:

Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubricating oils, transmission fluid, coolants, including anti-freeze, brake fluid, cutting oils, other industrial oils, pure

vegetable oils, and yellow grease (oils or greases that can be recycled) used in a restaurant or food processing facility.

All food service establishments, including but not limited to, restaurants, cafes, grocery stores, hospitals, quick stop markets, nursing homes, retirement centers, prisons, mobile food units, schools and other food preparation facilities must meet the requirements of the Mt. Juliet FOG Program Operational Division Policy No. 2008-02.

Oil and grease waste pretreatment shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease sludge from wastewater discharges. Such treatment processes shall be subject to best management practices and approved by the utilities director. Discharges shall also be subject to monitoring, entry, inspection, reporting, and other requirements as determined by the utilities director. These dischargers may be required to apply for industrial waste discharge permits if it is determined that the dischargers are a source of prohibited pollutants, toxic pollutants, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this article.

Section 21. Division 6, Section 30-184 Slug discharge control program, Subsection (b), is amended to read in its entirety as follows:

- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the utilities director for review and approval. All users required to have such a plan shall submit it within 30 days of notification by the utilities director and complete implementation within 90 days of notification.

Section 22. Division 6, Section 30-185 Prohibition of bypass, Subsections (a) and (b), are amended to read in their entirety as follows:

- (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the utilities director may take enforcement action against an industrial user for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed.
 - (3) The user submitted notices as required in section [30-263].
- (b) The utilities director may approve an anticipated bypass after considering its adverse effect if the utilities director determines that it will meet the three conditions listed in paragraph (a) of this section.

Section 23. Division 6, Section 30-186 Exceptions to wastewater limitations, Subsections (b) through (f), are amended to read in their entirety as follows:

- (b) *Time of application.* Applicants shall apply for a temporary exemption when they are required to apply for a wastewater discharge permit or renewal provided that the utilities director allows

applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was 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 utilities director pursuant to paragraph (d) of this section.
- (d) *Review by the utilities director.* All applications for an exception shall be reviewed by the utilities director. If the application does not contain sufficient information for complete evaluation, the utilities director shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the utilities director to correct such deficiencies. This 30-day period may be extended by the utilities director upon application and for just cause. Upon receipt of a complete application, the utilities director shall evaluate it within 30 days and approve or deny the application based upon the following factors:
 - (1) The utilities director shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections [30-144 and 30-145] and grant an exception only if such exception is within limitations of applicable federal regulations.
 - (2) The utilities director shall consider if 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, or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.
 - (3) The utilities director shall consider if the exception would create conditions or a hazard to city personnel that would reduce the effectiveness of the publicly owned treatment works taking into consideration the concentration of the pollutant in the treatment works' influent and the design capability of the treatment works.
 - (4) The utilities director shall consider the possibility of the exception causing the publicly owned treatment works to violate its National Pollutant Discharge Elimination System permit.
 - (5) The utilities director shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the publicly owned treatment works or which would cause the publicly owned treatment works to violate any regulation promulgated by Environmental Protection Agency under the provisions of Section 405 of the Act or similar state regulatory measure.
 - (6) The utilities director may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.
 - (7) The utilities director may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.
 - (8) The utilities director may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.
 - (9) The utilities director 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.
 - (10) utilities director may consider an application for exception based upon the fact that water conservation measures instituted 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 pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that except for wastewater conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in section [30-144]. No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the publicly owned treatment works.

- (e) *Review by wastewater hearing authority board.* The board shall review any appeal to a denial by the utilities director of an application for an exception and shall take into account the same factors considered by the utilities director. At such a hearing, the applicant and the utilities director shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section [30-296] shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.
- (f) *Best management practices.* The utilities director or board shall not grant an exception unless the applicant demonstrates to the board that best management practices are being employed to reduce or prevent the contribution of pollutants to the publicly owned treatment works. Best management practices include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quantity or increase the quality of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage.

Section 24. Division 7, Section 30-212 Application and permit requirements, is amended to read in its entirety as follows:

Prior to discharging non-domestic waste into the publicly owned treatment works, all significant industrial users of the publicly owned treatment works shall obtain a wastewater discharge permit. The industrial user shall request that the public works director determine if the proposed discharge is significant as defined in section [30-20]. If the discharge is determined not to be significant, the utilities director may still establish appropriate discharge conditions for the user. Any uncategorized industrial user designated as significant may petition the public works director to be deleted from the list as significant on the grounds that there exists no potential for adverse effect on the publicly owned treatment work's operation or violation of 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 utilities director, pay appropriate fees, and agree to abide by the provisions of this article and any specific conditions or regulation established by the utilities director. All original applications shall be accompanied by a report containing the information specified in section [30-213]. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the utilities director when alterations or additions to the user's premises affect the plans.

Section 25. Division 7, Section 30-213 Report requirements, is amended to read in its entirety as follows:

The report required for all significant industrial users by section [30-212] or other provisions of this article shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a)

through (e) below. Industrial users subject to national pretreatment standards shall submit to the utilities director a report which contains the information listed in subparagraphs (a) through (f) below within 180 days after the promulgation by the Environmental Protection Agency of a National Pretreatment Standard under Section 307(b) or (c) of the Act. This report is called the baseline monitoring report (BMR). Industrial users who are unable to achieve a discharge limit set forth in sections [30-135 through 30-148] without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in subparagraphs (a) through (g) of this section.

As specified, the report shall contain the following:

- (1) The name and address of the industrial user.
- (2) The location of the industrial user.
- (3) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.
- (4) The average and maximum flow in gallons per day of discharge from the industrial user to the publicly owned treatment works.
- (5) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as approved by standard methods approved by the utilities director. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the utilities director for approval.
- (6) A statement that has been reviewed by an authorized representative of the industrial user and certified by an environmental professional indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to achieve compliance.
- (7) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, the report shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in the schedule shall be no later than the compliance date established for the applicable pretreatment standard.
- (8) The location for monitoring all wastes covered by the permit.
- (9) Measurement of pollutants: (a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources. (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process. (c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section [30-254] of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.
- (10) Any other information as may be deemed necessary by the city to evaluate the permit application.

For purposes of this paragraph when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by sections [30-135 through 30-148].

For purposes of this paragraph, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in sections [30-135 through 30-148].

Section 26. Division 7, Section 30-214 Incomplete applications, is amended to read in its entirety as follows:

The utilities director will act only on applications that are accompanied by a report which lists all the information required in section [30-213]. Industrial users who have filed incomplete applications will be notified by the utilities director that the application is deficient and the nature of the deficiency and will be given 30 days to correct such. If the deficiency is not corrected within that period or with such extended time as allowed by the utilities director, the utilities director shall deny the application and notify the applicant in writing of such action.

Section 27. Division 7, Section 30-215 Evaluation of application, is amended to read in its entirety as follows:

Upon receipt of completed applications, the utilities director shall review and evaluate the applications and shall propose such special permit conditions as the utilities director deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this article and all other applicable laws and regulations. The utilities director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- (1) Pretreatment requirements.
- (2) The average and maximum wastewater constituents.
- (3) Limits on rate and time of discharge for flow equalization.
- (4) Requirements for installation of inspection and sampling facilities.
- (5) Specifications for self-monitoring procedures.
- (6) Requirements for submission of technical or discharge reports.
- (7) Requirements for records maintenance.
- (8) Average and maximum mass emission rates, or other appropriate limits when toxic pollutants are proposed or present in the industrial user's wastewater discharge.
- (9) Other conditions deemed appropriate by the utilities director to ensure compliance with the ordinance or other applicable law or regulation.
- (10) A reasonable compliance schedule, as determined by the utilities director, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.
- (11) Requirements for the installation of facilities to prevent and control accidental discharges or spills at the user's premises.
- (12) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

Section 28. Division 7, Section 30-216 Notification of proposed permit conditions, Subsections (b) and (c), are amended to read in their entirety as follows:

- (b) The applicant shall have 45 days from and after the date of the utilities director's recommendations for special permit conditions to review same and file written objections with the utilities director in regard to any special permit conditions recommended. The utilities may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of

the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

- (c) If applicant files no objection to special permit conditions proposed by the utilities director or a subsequent agreement is reached concerning same, the utilities director shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein.

Section 29. Division 7, Section 30-217 Board to establish permit conditions, Subsections (a), (c), and (d), are amended to read in their entirety as follows:

- (a) In the event that the utilities director cannot issue a permit pursuant to section [30-216] above, the public works director shall submit to the board the proposed permit conditions and the applicant's written objections at the next regularly scheduled meeting of the board or at a specially convened meeting.
- (c) The utilities director shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the utilities director shall have the right to participate in the hearing and present any relevant evidence to the board concerning proposed special permit conditions or other matters being considered by the board.
- (d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this article or other applicable laws or regulations and direct the utilities director to issue a wastewater discharge permit to the applicant accordingly.

Section 30. Division 7, Section 30-221 Duration of permits, is amended to read in its entirety as follows:

Wastewater discharge permits shall be issued for a time period not to exceed five years. Permits issued to industrial users pursuant to section [30-186] may be issued for a period of one year.

Industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such standards. The utilities director shall notify in writing any industrial user whom the utilities director has cause to believe is subject to a national pretreatment standard of the promulgation of such regulations, but any failure of the utilities director in this regard shall not relieve the user of the duty of complying with such standards. An industrial user must apply in writing for a renewal permit within a period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the city's National Pollutant Discharge Elimination System permit, changes in section [30-144 or 30-145], changes in other applicable law or regulation, or for other just cause. Users will be notified of any proposed changes in their permit by the utilities director at least 30 days prior to the effective date of the change. Any change or new condition in the permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the utilities director in regard to any changed permit conditions as otherwise provided for in this article.

Section 31. Division 7, Section 30-222 Transfer of permit, is amended to read in its entirety as follows:

Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation, unless as approved by the utilities director.

Section 32. Division 8, Section 30-251 Inspection, monitoring, and entry, Subsections (b) through (e), are amended to read in their entirety as follows:

- (b) The utilities director shall require any industrial user to: (1) establish and maintain records; (2) make reports; (3) install, use, and maintain monitoring equipment or methods, including biological monitoring methods when appropriate; (4) sample effluent in accordance with these methods, at such locations and intervals and in such a manner as the utilities director shall prescribe; (5) provide such other information as the utilities director may reasonably require.
- (c) Specific requirements under the provisions of paragraph (b) of this section shall be established by the utilities director, or the board as applicable, for each industrial user, and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of any requirement under this provision shall depend on the nature of the user's discharge, the impact of the discharge upon the publicly owned treatment works, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement.
- (d) The utilities director or his authorized representative, employees of the State of Tennessee, and employees of the Environmental Protection Agency shall, upon presentation of credentials:
 - (1) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records are required to be maintained under this article are located.
 - (2) Have access at reasonable times to copy any records, inspect any monitoring equipment or method required of the user, and sample any discharge which the owner or operator of such source is required to sample.
- (e) In the event any user denies the right of entry for inspection, sampling, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing other duties as shall be imposed upon the utilities director by this article, the utilities director shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to perform the duties of this article.

Section 33. Division 8, Section 30-252 Reports, is amended to read in its entirety as follows:

- (a) *Progress reports.* No later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the utilities director, including as a minimum, whether it complied with the increment of progress to be met on such a date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the utilities director.
- (b) *90-day compliance report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any industrial user subject to

pretreatment standards and requirements shall submit to the utilities director a report containing the information described in section [30-213(4)—(6)].

(c) *Self-monitoring reports.*

- (1) All significant industrial users shall submit to the utilities director during the months of June and December, unless required more frequently in the pretreatment standard or in the industrial user's permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the utilities director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the utilities director may agree to alter the months during which the above reports are submitted.
 - (2) The utilities director, as applicable, may impose limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.
- (d) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration or production rates and mass limits where requested by the utilities director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the utilities director as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measured operation), the report shall include the user's actual average production rate for the reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

Section 34. Division 8, Section 30-253 Monitoring facilities, Subsections (a) and (d), are amended to read in their entirety as follows:

- (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the utilities director.

All users who propose to discharge or who in the judgment of the publicly owned treatment works could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

- (d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the utilities director for review in accordance with accepted engineering practices. The utilities director shall review the plans and other documents within 30 days and shall recommend any change deemed appropriate.

Section 35. Division 8, Section 30-255 Dangerous discharge notification, Subsections (a) and (b), are amended to read in their entirety as follows:

- (a) *Telephone notification.* Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the publicly owned treatment works, shall notify the utilities director immediately (within 30 minutes of becoming aware of the discharge) by telephone. In the absence of the utilities director, notification shall be given to the publicly owned treatment works employee then in charge of the treatment works. Such notification will not relieve the user from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.
- (b) *Written report.* Within five days following such an occurrence, the user shall provide the utilities director 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 publicly owned treatment works, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Section 36. Division 8, Section 30-257 Notification of hazardous waste and discharge, Subsection (a), is amended to read in its entirety as follows:

- (a) The industrial user shall notify the city (department of utilities), the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).

Section 37. Division 8, Section 30-258 Notification of changed discharge, Subsection (1), is amended to read in its entirety as follows:

- (1) The permittee shall notify the City of Mt. Juliet Department of Utilities on any of the following changes to the system no later than 180 days prior to change of discharge;
 - a. New introduction into such works of pollutants from any source which would be a new source, if such source were discharging pollutants.
 - b. New introduction of pollutants into such works from a source which would be subject to the Sewer Use Ordinance - Title 30 if it were discharging such pollutants.
 - c. A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.

Section 38. Division 8, Section 30-262 Reporting of all monitoring, is amended to read in its entirety as follows:

If an industrial user subject to the reporting requirements in section [30-213] of this article monitors any pollutant more frequently than required by the utilities director using approved procedures prescribed in this article, the results of this monitoring shall be included in the report.

Section 39. Division 8, Section 30-263 Notice of bypass, Subsection (b), is amended to read in its entirety as follows:

- (b) An industrial user shall submit oral notice to the utilities director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The utilities director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Section 40. Division 8, Section 30-265 Records retention period, is amended to read in its entirety as follows:

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make these records available for inspection and copying by the utilities director, Tennessee Department of Environment and Conservation Director of the Division of Water Pollution Control, and Environmental Protection Agency. The retention period shall be extended during the course of any unresolved litigation regarding the user or upon request from the utilities director, the director, or the Environmental Protection Agency.

Section 41. Division 8, Section 30-266 Confidential information, is amended to read in its entirety as follows:

Any records, reports, or information obtained under this section shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) be available to the public to the extent provided by 40 Code of Federal Regulations, part 232. If, upon showing to the utilities director by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the utilities director has access under this section, would divulge methods or processes entitled to protection as trade secrets of such person, the utilities director shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of this article. Such record, report, or information may be disclosed to officers, employees, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the Act or when relevant in any proceeding under this article or other applicable laws.

Section 42. Division 9, Section 30-296 Hearings, Subsection (a), is amended to read in its entirety as follows:

- (a) Any hearing or re-hearing brought before the board, as defined in section [30-395], shall be conducted in accordance with following:
 - (1) Upon receipt of a written petition from the alleged violator pursuant to this section, the utilities director shall give the petitioner ten days written notice of the time and place of the hearing.
 - (2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum (two members) of the board must be present at the regular or special meeting in order to conduct the hearing.

- (3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made pursuant to subsection [(a)(6) of this section]. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the utilities director to cover preparation fees.
- (4) In connection with the hearing, the chairperson of the board shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice of hearing or subpoena issued under this section, the chancery court of Wilson County shall have the jurisdiction upon the application of the utilities director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
- (5) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairperson.
- (6) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in [this section and section 30-297].
- (7) Any person to whom an emergency order is directed shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such a hearing be held later than three days from the receipt of such a petition by the board.
- (8) 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 a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairperson to rule on such matters as would require a ruling by the court under the rules.
- (9) The utilities director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the utilities director, his 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.
- (10) Any person aggrieved by an order or determination of the utilities director where an appeal is not otherwise provided by this section may appeal the order or determination to the board. A written notice of appeal shall be filed with the utilities director, and the notice shall set forth with particularity the action or inaction of the utilities director complained of and the relief being sought by the person filing the appeal. A special meeting of the board may be called by the chairperson upon the filing of such an appeal, and the board may, at member's discretion, suspend the operation of the order or determination of the utilities director on which is based the appeal until such time as the board has acted upon the appeal.

Section 43. Division 9, Section 30-297 Civil penalty, Subsection (a)(2) and (a)(3), are amended to read in their entirety as follows:

- (2) Any civil penalty shall be assessed in the following manner:
- a. The utilities director may issue an assessment against any person or user responsible for the violation.
 - b. Any person or user against whom an assessment has been issued may secure a review of such assessment by filing with the utilities director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
 - c. When any assessment becomes final because of a person's failure to appeal the utilities director's assessment, the utilities director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Civil penalties will be assessed based on the following criteria:
 1. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.
 2. Damages to the publicly owned treatment works, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, which also includes any penalties, costs, and attorney's fees incurred by the publicly owned treatment works as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
 3. Cause of the discharge or violation.
 4. The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters.
 5. Effectiveness of action taken by the violator.
 6. The technical and economic feasibility of reducing or eliminating the discharge.
 7. The economic benefit gained by the violator.
 - d. The utilities director may institute proceedings for assessment in the name of the City of Mt. Juliet in the chancery court of the county in which all or part of the violation occurred.
- (3) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the utilities director for certain specific violations or categories of violations.

Section 44. Division 9, Section 30-298 Assessment of noncompliance and significant noncompliance, Subsections (a) through (d), are amended to read in their entirety as follows:

- (a) The utilities director may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. To assure fair, consistent and impartial enforcement, the utilities director will use the Mt. Juliet Enforcement Response Plan as a reference to make enforcement action decisions.
- (b) If an appeal from such assessment is not made to the utilities director by the polluter or violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

- (c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or any other sections of the ordinance, in removing, correcting, and terminating any pollution, and also compensation for actual damages caused by the violation to the publicly owned treatment works. The utilities director shall assess the expenses and damages incurred by the publicly owned treatment works to clear the obstruction, repair damage to the publicly owned treatment works, and otherwise rectify any impairment caused by the violation.
- (d) Whenever any assessment has become final because of a person's failure to appeal within 30 days, the utilities director shall bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the publicly owned treatment works. If the person responsible refuses to pay, the utilities director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.

Section 45. Division 9, Section 30-299 Judicial proceedings and relief, is amended to read in its entirety as follows:

The utilities director may initiate proceedings in the chancery court of Wilson County against any person or user who is alleged to have violated or is about to violate the pretreatment program, its industrial user permit, any article of this article, or any order of the utilities director or board. In such action, the utilities director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

Section 46. Division 9, Section 30-300 Administrative enforcement remedies, is amended to read in its entirety as follows:

- (a) *Notification of violation.* When the utilities director finds that any user has violated or is violating this article, or a wastewater permit or order issued hereunder, the utilities director or his agent may serve upon the user a written notice of violation (NOV). Within ten days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the utilities director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
- (b) *Consent orders.* The utilities director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
- (c) *Show-cause hearing.* The utilities director may order any user which causes or contributes to a violation of this article, its wastewater permit, or any order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return

receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

- (d) *Compliance order.* When the utilities director finds that a user has violated or continues to violate this article or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (e) *Cease and desist orders.* When the utilities director finds that a user has violated or continues to violate this article or any permit or order issued hereunder, the utilities director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:
 - (1) Comply with the order.
 - (2) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (e) *Emergency termination of service.* When the utilities director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the publicly owned treatment works, the utilities director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the utilities director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the utilities director's order, the utilities director may take such emergency action as deemed necessary or contract with a qualified person to carry out the emergency measures. The utilities director may assess the person(s) responsible for the emergency condition for actual costs incurred by the utilities director in meeting the emergency.

If the emergency action adversely affects the user, the utilities director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the utilities director may take any such authorized should the proof warrant such action.

Section 47. Division 10, Section 30-324 Wastewater volume, is amended to read in its entirety as follows:

When charges and fees based upon water usage or discharge and where, in the opinion of the publicly owned treatment works, a significant portion of the water received from any metered source does not flow into the sewer because of the principle activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharged from such premises into the sanitary sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the city. The users may install a meter of a type and at a location approved by the city to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall

be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the utilities director.

Section 48. Division 10, Section 30-325 Estimated wastewater volume, is amended to read in its entirety as follows:

For users where, in the opinion of the city, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the utilities director or his representative. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the publicly owned treatment works shall be used to estimate the wastewater discharge volume.

Section 49. Division 11, Section 30-358 Application charge, is deleted in its entirety.

Section 50. Division 11, Section 30-359 Base charge, is amended to read in its entirety as follows:

There is hereby established a base use charge, of \$11.76 per month for all, nonexempt, habitable structures to which sewers are available. The new rate shall take effect with the July 31, 2024 bill as follows:

TYPE OF SERVICE		RATE
Residential		
	Inside city	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 16.39
	Per 1,000 gallons thereafter	\$ 8.03
	Outside city	
	<i>Minimum base rate charge for service requested on or prior to June 9, 2019</i>	
	First 2,000 gallons	\$ 20.49
	Per 1,000 gallons thereafter	\$ 10.05
	<i>Minimum base rate charge for service requested after June 9, 2019</i>	
	First 2,000 gallons	\$ 32.78
	Per 1,000 gallons thereafter	\$ 16.06
	Customers prior to 1984	
	Flat rate	\$ 16.39
Commercial		
	Inside city	
	<i>Minimum base rate charge</i>	
	First 2,000 gallons	\$ 23.12
	Per 1,000 gallons thereafter	\$ 11.19
	Outside city	
	<i>Minimum base rate charge for service requested on or prior to June 9, 2019</i>	
	First 2,000 gallons	\$ 28.90
	Per 1,000 gallons thereafter	\$ 13.99
	<i>Minimum base rate charge for service requested after June 9, 2019</i>	

	First 2,000 gallons	\$ 46.24
	Per 1,000 gallons thereafter	\$ 22.38
Special Discharge Fees		
	Billing Fee	\$ 21.00
	Plus 160% of Discharge Per 1,000 gallons	\$ 13.99

Section 51. Division 11, Section 30-360 Capacity charge, Subsection (a) and (d), are amended to read in their entirety as follows:

- (a) The city has purchased a certain amount of capacity in the Metropolitan Nashville sewer plant. To reimburse the city the cost of this capacity which was purchased by the residents of the city as the city limits were constituted on October 31, 1984, there is hereby established a capacity charge on all new lots created by subdivision if the lots will utilize sewers. The minimum capacity charge shall be \$1,340.00 per lot. Sewer capacity charges are adjusted as follows:

Residential Classifications	Per Unit
RS-40	\$1,340.00
RS-30	1,590.00
RS-20	1,840.00
RS-15	2,090.00
RS-10	2,340.00
All other residential classifications	2,590.00
Outside city limits capacity fee	3,910.00

- (d) New commercial and industrial users shall pay a capacity fee based on the size of the domestic use water meter. See chart below:

SANITARY SEWER CAPACITY FEES	
Commercial Capacity Fees Water Tap Size	Capacity Fees
5/8"	\$1,340.00
1"	2,145.00
1½"	3,575.00
2"	7,865.00
3"	16,445.00
4"	29,315.00
5"	45,760.00
6"	65,780.00
7"	89,375.00
8"	116,545.00
9"	146,540.00
10"	181,610.00
11"	219,505.00
12"	260,975.00
13"	306,735.00
14"	355,355.00

Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024.

Section 52. Division 11, Section 30-365 Tap fee, Subsection (a), is amended to read in its entirety as follows:

(a) Residential single-family dwelling.

- (1) There shall be a tap fee or equivalent applicable to all properties that hook to the sewer or to which sewers are available per single-family unit (SFU) for residents:

- a. Inside the city limits of \$1,500.00; and
- b. Outside the city limits of \$4,000.

The tap fee shall be paid before the property is hooked to the sewer system. A separate tap fee is required for each connection to the sewer system. Taps and tap fee payments run with the land. No owner shall be required to pay a tap fee for a connection if a previous owner has paid a tap fee for the same connection and same use.

- (2) Sanitary sewer tap fees for existing single-family dwellings:

- a. Which are within the city limits of the city;
- b. Occupied by the owner as recorded by the county tax assessor; and

- (3) Multifamily dwelling. The tap fee for multifamily dwellings shall be \$1,500.00 per unit for locations within the city limits and \$4,000.00 per unit for locations outside the city limits.

- a. Commercial and industrial. The tap fee for commercial and industrial users shall be calculated by taking the area of the cross section of the new user's water meter tap and dividing it by 0.31 (the tap area of a five-eighths-inch meter), rounding up to the nearest whole number and multiplying the resulting number by \$1,250.00.

The chart below provides calculated values for tap and capacity fees based on various water meter sizes.

Residential Tap Fees	
Inside city limits gravity tap fee	\$1,500.00
Inside city limits grinder, additional	3,000.00
Outside city limits tap fee	4,000.00
Inspection fee	100.00

Commercial Tap Fees		
Water Tap Size	Fee	Inspection Fees
5/8"	\$1,250.00	\$100.00
1"	3,750.00	100.00
1½"	6,250.00	100.00
2"	13,750.00	100.00
3"	28,750.00	100.00
4"	51,250.00	100.00
5"	80,000.00	100.00
6"	115,000.00	100.00
7"	156,250.00	100.00
8"	203,750.00	100.00
9"	257,000.00	100.00
10"	317,000.00	100.00

11"	383,750.00	100.00
12"	456,250.00	100.00
13"	536,250.00	100.00
14"	621,250.00	100.00

Rate change as per City of Mt. Juliet Ordinance 2024-25 effective July 31, 2024

Commercial and industrial users who exceed 25,000 square feet of heated and cooled structures and who are required to contribute or construct any off-site improvements, extensions, or upgrades to the city sewer system shall be allowed to use 50 percent of their financial contributions as a credit towards the payment of future tap fees for the site served by such improvements. Commercial and industrial users whose approved site plans include at least 25,000 square feet of heated and cooled structures and who are required to advance contributions for the costs of relocation of any natural gas transmission pipeline done in order to facilitate the relocation or improvement of any city or state road or highway, shall be allowed to use 50 percent of said financial contributions up to a maximum of \$207,000.00 as a credit towards the payment of future tap fees for the site served by such improvements; provided, however, that such 50 percent financial contribution shall be calculated only on expenditures for which there is no reimbursement to the commercial or industrial user. This is not retroactive and applies from this day forward of passage of the ordinance from which this section is derived.

Section 53. Division 11, Section 30-366 Use charges, Subsections (b) through (d), are amended to read in their entirety as follows:

- (b) *Waste characteristics.* Waste water exceeding the following characteristics shall bear additional charges set by the director of utilities.

Biochemical oxygen demand (5-day)	300 mg/l
Chemical oxygen demand	600 mg/l
Suspended solids -	325 mg/l
Ammonia-nitrogen -	30 mg/l
Oil and grease -	100 mg/l

- (c) *Method of setting use charges.* Annually, on November 1 each year, the director of utilities shall calculate the cost of providing sewer services and calculate a new base charge and a new use charge for the following year. Calculations shall be based on actual costs in the previous fiscal year. The base charge shall be the same as the use rate for 2,000 gallons of wastewater. The new charges shall take effect on January 1 of the following calendar year.

- (d) *Constituents of use charge.* The user charge will be computed from operating costs and depreciation. The user charge will be the user's share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of any bond amortization costs of the city.

- (1) *Operation, maintenance, and replacement user charges.* Each user's share of operation, maintenance and repair costs will be computed by the following formula:

u =	$\frac{C_t}{V_t}$	(V _u)

Where:

C_u = User's charge for operation, maintenance and repair per unit time.

C_t = Total operation, maintenance and repair costs per unit of time, less costs recovered from surcharges.

V_t = Total volume contribution from all users per unit time.

V_u = Volume contribution from individual user per unit time.

- (2) *Bonded indebtedness charges.* Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and waste strength contribution to the system.
- (3) *User surcharges.* The surcharge will be the user's proportionate share of the operation, maintenance and repair costs for handling its periodic volume of wastewater which exceeds the strength of biochemical oxygen demand (five-day), suspended solids, or other pollutants in normal wastewater as listed in section 30-358. The amount of surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

C_s = Surcharge for wastewater exceeding the strength of normal wastewater expressed in dollars per billing period.

B_c = Operation, maintenance and repair cost for treatment of a unit of biochemical oxygen demand (five-day) expressed in dollars per pound.

B = Concentration of BOD₅ (biochemical oxygen demand - 5-day) from a user above the base level of 300 mg/l expressed in mg/l.

S_c = Operation, maintenance and repair costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg/l.

P_c = Operation, maintenance and repair costs for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of a National Pollutant Discharge Elimination System permit or other regulatory requirement, expressed in dollars per pound.

P = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharge will be established by the director of utilities.

V_u = Volume contribution of a user per billing period in million gallons based on a 24-hour average for a billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the publicly owned treatment works is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken at least annually.

- (4) *Commercial, industrial and pretreatment program charges.* All commercial and industrial users shall pay all regular charges and a surcharge equal to 43 percent of the standard charges. Industrial users, veterinary and animal care establishments, food preparation

business and others suspected of generating wastewater with contaminants per liter exceeding the normal contaminants per liter for a single-family home shall be required to pay a separate pretreatment program charge for evaluation of their wastewater and pretreatment inspection if necessary. This charge will be based on the user's proportional share of the costs of administering the publicly owned treatment works pretreatment program, which includes costs incurred by the publicly owned treatment works for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$u =$	$\frac{C_t}{V_t}$	(V_u)
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C_u = User's charge for publicly owned treatment works pretreatment program per unit time.

C_t = Total publicly owned treatment works pretreatment program costs per unit time.

V_t = Total volume contribution of permitted industrial users per unit of time.

V_u = Volume contribution from a permitted industrial user per unit of time.

In cases where a user would otherwise qualify as a residential user but is metered for water service on a meter measuring multi-family dwellings, the director of utilities may require, as a prerequisite for extending residential rates, an agreement from all users and or a hold harmless agreement from the owner of the meter to pay the billing collectively from one meter without recourse and may require that any improvements to or alterations of the sanitary sewer service lines for the real property be made in compliance with standards of the City of Mt. Juliet and at the expense of the property owner.

- (5) *Review of operation, maintenance and repair charges.* Mt. Juliet shall review at least annually the wastewater contribution by users, the total costs of operation, maintenance and repair of the treatment works, and its approved user charge system. The publicly owned treatment works shall revise the user charges to accomplish the following:
- Maintain the proportionate distribution of operation, maintenance and repair costs among users or classes of users.
 - Generate sufficient revenue to pay the total operation, maintenance and repair costs of the treatment works.
 - Apply any excess revenues collected to the costs of operation, maintenance and repair for the next year and adjust rates accordingly.

Section 54. Division 11, Section 30-367 Outside city customer, Subsections (b), (e), (f), and (h), are amended to read in their entirety as follows:

- (b) All users who begin receiving sewer service after June 9, 2019 will pay the fee in subsection (a) and are located outside the city, but within the city's urban growth boundary, shall pay all regular charges and fees for out of city users set forth in subsection (a) plus a monthly fee equal to one-twelfth of the Mt. Juliet City property taxes that would be owed to the city if the user was annexed into the city. The monthly fee shall be calculated based upon the most recent tax appraisal. The user reverts to out-of-city rates upon requesting annexation into the City of Mt. Juliet, so long as annexation into the City of Mt. Juliet is legally permitted at the time of the request. If the city annexes the property, the user reverts to in-city sewer rates.

- (e) Any developer or landowner who anticipates undertaking any project outside the city limits of the city which would require a connection to the city sewer system shall first obtain the approval of the city planning commission and the city commission prior to any engineering design work concerning the sewer system. Out of city sewer service application and fee shall be submitted to the utilities department prior to any request for service being heard by the city planning commission and city commission.
- (f) After receiving approvals necessary for the connection, final approval will be granted by the utilities director or his/her designee. The developer and the developer's engineer shall work closely with the engineer for the city sewer system during the design, construction and inspection stages of the development. Such systems shall also have the approval of the engineer for the city regarding the as-built system prior to connection.
- (h) To the extent any rate or fee set out herein is determined to be unenforceable as applied to out-of-city users, the city intends the provisions set forth above to be severable, resulting in the charging of the rate for all services provided, in the past and prospectively, that would have been charged but for the unenforceable provision.

Section 55. Division 11, Section 30-369 Waiving sign-up fee for sewer activation fee for active-duty military personnel, is retitled as provided and Subsection (a) is amended to read in its entirety as follows:

- (a) The director of finance hereby has authority to waive the sewer activation fee of \$25.00 for an active-duty member of the United States Military or National Guard.

Section 56. Division 11, Section 30-370 Processing fee and other charges for utility customers paying with credit or debit cards, Subsection (a) and (c), are amended to read in their entirety as follows:

- (a) The City of Mt. Juliet is hereby empowered to contract with a third-party vendor or will arrange for city sewer service credit or debit cards as the method of payment for monthly and other utility charges.
- (c) The third-party vendor may establish the convenience fee not to exceed 3.5 percent of the payment.

Section 57. Division 12, Section 30-395 Wastewater hearing authority board, Subsection (c)(2) is amended to read in its entirety as follows:

- (2) To hold hearings upon appeals from orders of actions of the utilities director as may be provided under the provisions of this article.

Section 58. Division 12, Section 30-396 Utilities director, is retitled and amended to read in its entirety as follows:

- (a) *Director of utilities and staff.* The director of utilities and staff shall be responsible for the administration of the parts of this section, as defined herein.

- (b) *Authority of the director of utilities.* The director of utilities shall have the authority to enforce all sections of this article as defined herein. The director of utilities shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the publicly owned treatment works. The director of utilities shall be responsible for the preparation of operating budgets subject to the normal budgetary processes of the city.
- (c) *Records.* The director of utilities shall keep in his office or at an appropriate storage facility all applications required under this article a complete record thereof, including a record of all wastewater discharge permits.
- (d) *Notice of national pretreatment standard.* The director of utilities shall notify users identified in 40 Code of Federal Regulations, Part 403.8(f)(2) 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, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the director of utilities to notify users shall not relieve the users from the responsibility of complying with these regulations.
- (e) *Public participation notice and significant non-compliance notice.* The director of utilities shall comply with the public participation requirements of 40 Code of Federal Regulations, Part 425 in the enforcement of National Pretreatment Standards. The director of utilities shall at least annually provide public notification in the largest local newspaper of all significant industrial users which, during the previous 12 months, were in significant non-compliance of applicable pretreatment standards or other pretreatment requirements, as defined at sections [30-298 and 30-300].
- (f) *Regulations and standards.* The director of utilities may promulgate rules, regulations, and design criteria not inconsistent with this article and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the director of utilities.
- (g) *Sewer credits.* The director of utilities shall approve secondary meters and determine other kinds of sewer use charge credits.
- (h) *Approves new construction.* The director of utilities shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances.

BE IT FURTHER ORDAINED

Section 59. In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

Section 60. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

Section 61. This ordinance shall take effect on the earliest date allowed by law.

PASSED:

FIRST READING:

SECOND READING:

James Maness, Mayor

Kenny Martin, City Manager

ATTEST:

Sheila S. Lockett, MMC
City Recorder

APPROVED AS TO FORM:

Samantha A. Burnett
City Attorney