ARTICLE II. SEWER USE

DIVISION 1. GENERALLY*

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***Editor's note:** Ord. No. 03-13, § 1, adopted May 13, 2003, repealed former div. 1 of this article in its entirety and enacted new provisions as div. 1 as herein set out. Former div. 1, §§ 94-31--94-38, pertained to similar subject matter and derived from Ord. No. 00-26, § 1(1)--(8), adopted Nov. 28, 2000.

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Sec. 94-31. Purpose and policy.

(a) *Compliance with state and federal water pollution control laws.* This article sets forth uniform requirements for persons who cause wastewater to be discharged into the wastewater collection and treatment system of the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act, as amended, and the General Pretreatment Regulations (40 CFR Part 403). The federally mandated objectives of this article are:

(1) To prevent the introduction of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the city wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the city wastewater system.

This article provides for the regulation of persons who cause wastewater to be discharged into the city wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the operation and maintenance of the water and wastewater systems.

(b) *Applicability.* This article shall apply to the residents of the city and to all users of the city water and wastewater systems including persons outside the city who are, by contract or agreement with the city, users of the city water and wastewater systems. Except as otherwise provided herein, the director of water and wastewater or his/her designee shall administer, implement and enforce the provisions of the article.

(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-32. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the director of the state environmental protection division.
Authorized representative of the user means:
(1) If the user is a corporation:
a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
b. The manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
(4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.
Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
Building drain means that part of the piping of a building which collects wastewater inside the walls of the building and conveys it to outside the building wall.
Building sewer means the extension from the building drain to the public sewer or other point of acceptance, also called "house connection." Proper maintenance of this service line is the owner's responsibility from the building drain to the point of acceptance. At this point, the service line or "lateral" becomes the city's responsibility as it continues from this point to the sanitary sewer trunk line.
Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
City manager means individual designated by the board of commissioners; city manager is responsible for general supervision of all city departments, including the city water and wastewater departments.
Customer means every person, firm, association, corporation, government agency, or similar organization who is responsible for contracting (expressly or implicitly) with the city in obtaining, having or using water or wastewater connections with, or sewer taps to the city wastewater system and in obtaining, having or using water or other related services furnished by the city for the purpose of disposing of wastewater through said system. The term customer shall also include illicit users of the water or wastewater systems.
Composite means the make-up of a number of individual samples, so taken as to represent the nature of sewage or industrial wastes.
Director or *director of water and wastewater* means the person designated by the city manager as manager of the city water and wastewater departments. Whenever director is referred to in this article, it shall mean the director or his/her designee.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.
Domestic wastewater means that wastewater discharged into the wastewater system from domestic sources such as toilets, washing machines, dishwashers, sinks, showers and bathtubs from normal household usage.
Easement means an acquired legal right for the specific use of land owned by others.
Effluent means the discharge flow of a treatment facility.
Environmental Protection Agency or *EPA* means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
Federal categorical pretreatment standard or *federal pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users. Categorical standards appear in 40 CFR, Chapter 1, Subchapter N, Parts 405-471.
Floatable oil and grease means oil, fat or grease in a physical state such that it will separate by flotation from wastewater by treatment in an approved pretreatment facility or sand and oil/grease interceptor.
Flush toilet means the common sanitary flush commode in general use for the disposal of human excrement.
Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
Governing body means the board of commissioners of the city.
Grab sample means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
Grit means matter consisting of sand, gravel, cinders, or other heavy solid materials that has settling velocities or specific gravities greater than those of organic putrescible solids normally encountered in domestic wastewater.
Health department means the county board of health.
High strength wastewater means wastewater which contains quantities of specified constituents which exceed the quantities normally encountered in domestic wastewater.
Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
House connection means same as the "building sewer".
Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
Industrial customers mean persons who, on account of their particular type of business activity, discharge into the city sanitary sewerage system an unusual amount or unusual type of sewage which present special problems in sewage disposal and sewage treatment.
Industrial user or contributor means an industry which discharges waste waters having the characteristics of industrial wastes, as distinct from commercial wastes or domestic wastes.

Infiltration/inflow means groundwater and surface water which leaks into the wastewater system through cracked pipes, joints, manholes or other openings.
Inflow means water that flows into the wastewater system from the surface, streams, roof drains, down spouts or other such source.
Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
Main means the pipe, conduit or facility which conveys utility service to individual services or to other mains.
Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
Meter means any device used to measure service rendered to a customer by the city.
National Pollution Discharge Elimination System or *NPDES permit* means a permit issued pursuant to section 402 of the Act (33 USC 1342).
Natural outlet means any outlet, including storm sewers, watercourses, ponds, ditches, lakes or other bodies of surface water or groundwater.
New source means:
(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
a. Begun, or caused to begin, as part of a continuous onsite construction program
1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
Nondomestic user means any user of the city wastewater system who discharges wastewater into the wastewater system from a structure other than a residential user.
Nondomestic wastewater means the wastewater generated from nondomestic users as distinct from domestic or sanitary wastes.
Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.
Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
pH means the logarithm (base 10) of the reciprocal of the molar concentration of hydrogen ions in solution.
Pit privy means shored, vertical pit in the earth used for the disposal of human or animal wastes.
Point of acceptance means for sewer systems, the point of acceptance is the point at which the city's piping connects with the customer's piping. Commonly called the "tap".
Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
Pollution means the man-made or man-induced detrimental alteration of the chemical, physical, biological and radiological integrity of water or soil, or the products which create or cause such alteration.
POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment coordinator means the person designated by the city to supervise the operation of the industrial pretreatment program.
Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a nondomestic user.
Pretreatment standards or *standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
Pretreatment or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited by 40 CFR section 403.6(d).
Prohibited discharge standards or *prohibited discharges* means Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 94-56.
Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are by contract or agreement with the city, users of the city's POTW.
Public sewer means a common sewer controlled by a governmental agency or public utility, in this case, the city.
Sanitary sewer or *sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
Septic tank means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:
(1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and
(2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.
Service connection means the point of connection of the customer's piping with the meter or service pipe owned by the city.
Service lateral means the pipe between the utility's mains and the point of delivery and shall include all of the pipe, fittings and valves necessary to make the connection excluding the meter.
Sewage means a combination of the water-carried wastes from residences, businesses, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
Sewer means a pipe or conduit that carries wastewater.
Significant industrial user means:
(1) A user subject to categorical pretreatment standards; or

(2) A user that:
a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
(3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
Slug load or *slug* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this article.
Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.
Standard methods means those procedures or methods established by the latest edition of the "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, a copy of which is on file in the office of the superintendent.
Storm drain or *storm sewer* means a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.
Storm water means any flow occurring during or following any form of natural precipitation and resulting therefrom.
Suspended solids or *total suspended solids (TSS)* means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
Toxic means constituents of wastes which adversely effect the organisms involved in wastewater treatment.
Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
User means any person who contributes, causes or permits the discharge of wastewater into the city wastewater system.
Wastewater means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
Wastewater system or *city wastewater system* means the total wastewater collection and disposal facilities owned and operated by the city. Also the administrative framework which operates the facilities.

Water meter means those devices, approved by the city for the purpose of establishing the quantity of water consumed by a premise or person.
Water system or *city water system* means the total water distribution facilities owned and operated by the city. Also the administrative framework which operates the facilities.
Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.
Waters of the state means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
(Ord. No. 03-13, § 1, 5-13-2003)
Cross references: Definitions generally, § 1-2.

Sec. 94-33. Abbreviations.
The following abbreviations shall have the designated meanings:
TABLE INSET:

BOD	--	Biochemical oxygen demand
CFR	--	Code of Federal Regulations
COD	--	Chemical oxygen demand
CWA	--	Clean Water Act
EPA	--	Environmental Protection Agency
l	--	Liter
mg	--	Milligrams
mg/l	--	Milligrams per liter
NPDES	--	National Pollutant Discharge Elimination System
O & M	--	Operation and maintenance
POTW	--	Publicly owned treatment works

psi	--	Pounds per square inch
SIC	--	Standard Industrial Classification
TSS	--	Total suspended solids
USC	--	United States Code

(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-34. Sewage and waste disposal; impoundment of surface waters.
It shall be unlawful to use any waters of the state for the disposal of sewage, industrial wastes, or other wastes, or to withdraw, divert, or impound any surface waters of the state, except in such a manner as to conform to and comply with O.C.G.A. tit. 12, ch. 5, art. 2.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-35. Connection to public water and wastewater systems required; septic tanks and individual sewage management systems; certificate of occupancy.
In the interest of the public health, sanitation and general welfare, all buildings and structures located within the city, of every nature, use and design, intended for human occupancy, shall have a proper source of potable drinking water and sewage disposal. Buildings and structures accessible to a public water system and/or a public sanitary sewer system shall be properly connected on or into such system(s) prior to issuance of a certificate of occupancy. No permit for the construction of any residence, building or other facility which cannot be served by public sanitary sewer shall be issued, and no certificate for the use and occupancy for any existing residence, building or other facility which cannot be served by public sanitary sewer shall be issued, unless a septic tank or individual sewage management system permit has been issued by the county board of health in conformity with any state-wide minimum standards for sewage management systems and the regulations of the county board of health then in force and effect. It shall be unlawful for any person to construct, maintain, or permit to exist upon their property any privy, privy vault, cesspool, or other facility intended for use or disposal of human excrement, and the existence thereof is hereby declared a public nuisance, abatable in accordance with the provisions of chapter 42, article II of this Code.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-36. Duty of owner and occupant to properly operate and maintain septic tanks and other permitted individual sewage management systems.
It shall be the duty of the property owner, and any person occupying private property under lease or by permission of the owner, on which is located a building or structure intended for human occupancy whose sole means of sewage disposal is a septic tank or individual sewage management system, to properly operate and maintain such system in good working condition, free of odor, at all times. In addition to the enforcement provisions of this article, continued violation of this section shall constitute grounds for

discontinuance or revocation of any permit issued for such system and for revocation or suspension of any certificate of occupancy for the building or structure served.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-37. Connection to public sewer required upon failure of septic tank or individual sewage management system.
At such time as public sanitary sewer becomes accessible in those areas where existing buildings or structures intended for human occupancy are currently served by septic tanks or individual sewage management systems, upon the failure of such septic tank or individual sewage management system, use of such system shall be discontinued and no permit shall be issued for maintenance or bringing the system into compliance, and the property owner shall cause the building or structure to be connected to the public sanitary sewer system. Abandoned septic tanks and individual systems shall either be removed by the owner or filled with suitable material so as not to constitute a hazard or nuisance.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-38. Separate building sewers required.
A separate building sewer shall be provided for every building and structure intended for human occupancy and accessible to the public sanitary sewer system, unless for good cause shown the director issues a written permit to allow more than one building or structure to be connected on a common building sewer.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-39. Technical specifications for sewer connections.
(a) The size, slope, alignment, materials of construction of a building sewer and service lateral, and the methods to be used in construction shall conform to the requirements of the statewide minimum construction codes, applicable regulations of the city sewer department, and American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All connections to the public sewer system shall be approved in writing by the director, based upon permit application and payment of permit and inspection fees as specified, from time to time, by resolution of the board of commissioners. No work shall be covered until inspected by the director and the connection approved.
(b) Whenever possible, the building sewer shall be at an elevation below the lowest floor of the building or structure and at least three feet above the point of sewer connection. In all buildings in which the building sewer it too low to permit gravity flow to the public sewer, sewage shall be lifted by a means approved, in writing, by the director. It shall be the responsibility of the property owner to maintain in proper working condition any lift pumps and/or tanks for such connection.
(c) The service lateral and all connections between the building sewer and the public sewer shall be gastight and watertight, as verified by proper testing and inspection. It shall be the duty of the property owner to maintain the service lateral in proper working condition. If any service lateral permits the entrance of infiltration or inflow, the director may require the owner to repair or replace the service lateral; charge the owner a sewer use rate surcharge that reflects the additional cost of treating infiltration and inflow; or require the owner to disconnect the building from the public sewer system.

(d) Roof downspouts, foundation drains, yard drains or other sources of surface runoff shall not be connected to the building sewer or service lateral for entry into the public sewer.
(e) In all new construction where the fall by gravity from the building sewer to the public sewer is less than three feet, a backwater valve shall be installed to prevent sewage from backing into the building or structure. In all other new or existing structures, the director may, in his sole discretion, require installation of a backwater valve by written directive to the property owner. The city does not accept legal responsibility for damages to real or personal property caused by sewer backups where backwater valves are required or have been directed to be installed. It shall be the duty of the property owner to maintain backwater valves in proper working condition.
(Ord. No. 03-13, § 1, 5-13-2003)

Sec. 94-40. Tampering with public sewer.
No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the director.
(Ord. No. 03-13, § 1, 5-13-2003)
Secs. 94-41--94-55. Reserved.

DIVISION 2. NONDOMESTIC (INDUSTRIAL, COMMERCIAL, INSTITUTIONAL) USE OF PUBLIC WASTEWATER FACILITIES

Sec. 94-56. Prohibited discharges.
(a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
(b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
(2) Wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the sewer system or POTW resulting in interference;
(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
(5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
(8) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with section 94-68 of this article;
(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director;
(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
(14) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater 150 mg/l;
(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent or any single reading over ten percent of the lower explosive limit of the meter.
(19) The following pollutant limits are established to protect against process interference, stream standards violation, or sludge contamination. Discharges by users of the collection and treatment system are limited such that the concentrations of specific pollutants measured at the point of discharge into the collection system do not exceed concentrations specified below.
No user shall discharge wastewater which exceeds the following daily maximum shown limits (all numbers shown in milligrams per liter, mg/l):
TABLE INSET:

Pollutant	Cabin Creek WPCP	Potato Creek WPCP	Shoal Creek WPCP
Arsenic	0.44	0.015	0.02

Cadmium	0.005	0.011	0.11
Total Chromium	12.3	3.7	44.1
Copper	0.129	0.25	12.3
Cyanide	0.12	0.05	3.86
Lead	0.01	0.01	1.44
Mercury	0.00025	0.00017	0.246
Molybdenum	0.22	0.028	0.04
Nickel	5.06	0.34	2.57
Selenium	0.02	0.01	0.02
Silver	11.5	1.56	10.8
Zinc	1.12	0.35	9.66
Bis(2-ethylhexyl)phthalate	--	0.55	--
5-day biochemical oxygen demand	500	500	500
Suspended solids	500	500	500
Ammonia (as N)	45	45	45
Chemical oxygen demand	1,000	1,000	1,000
Total Phosphorus	25	25	--

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. The industrial

user may, however, request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The industrial user may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.
(Ord. No. 00-26, § 1(11), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-57. Federal and state requirements.
(a) *State regulations.* Any laws or regulations promulgated by the State of Georgia relative to the construction or use of wastewater facilities which are more strict than the regulations provided in the City Code are incorporated herein by reference, and such regulations shall be enforced by the city.
(b) *Federal pretreatment standards.*
(1) The federal government has adopted regulations governing wastewater discharges from industries into POTWs. These federal regulations are generally referred to as the federal pretreatment standards, as set forth in 40 CFR Part 403, or the federal categorical pretreatment standards, as set forth in 40 CFR Parts 405--471. Any portion of these federal dtandards which are more strict than the regulations provided in the City Code are incorporated herein by reference, and such regulations will be enforced by the city.
(2) It is the affirmative obligation of all industrial users regulated by the federal pretreatment standards, inclusive of the federal categorical pretreatment standards, to comply with the federal standards whether or not the industry has received notification from the city or any other jurisdiction of the existence and nature of the federal standards.
(3) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405--471 are hereby incorporated.
(4) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
(5) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
(6) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
(7) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(c) *Modifications to federal pretreatment standards.*
(1) From time to time the federal government may alter existing federal pretreatment standards or promulgate new standards. None of the provisions contained in the City Code shall prevent the timely implementation of new or altered federal standards by the industries to whom the new or altered standards apply. Where new or altered federal standards are more strict than the standards presently being imposed by the city, the city may, without prejudice, immediately revise any industrial wastewater discharge permits

to reflect the new or altered standards. If the industrial user is unable to immediately conform to the new or altered standards, a reasonable schedule for compliance shall be provided by the director.

(2) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in section 403.7 (c) (2) of 40 CFR Part 403 promulgated pursuant to the Clean Water Act, as amended. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Georgia Environmental Protection Division is obtained.

(Ord. No. 00-26, § 1(12), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-58. Wastewater pretreatment permit application.

All nondomestic users shall, upon the request of the director, complete and submit to the director a wastewater pretreatment permit application. The wastewater pretreatment permit application shall be on a form provided by the director and shall be used for the purpose of determining whether the industry is a "significant industrial user," issuing a permit and for other purposes. The wastewater pretreatment permit application shall include the following information, at a minimum:

(1) Name, address and location, if different from the address.

(2) SIC number according to the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987, as amended.

(3) Wastewater constituents and characteristics, including but not limited to those shown in section 94-56 of this chapter.

(4) Time and duration of contribution.

(5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any.

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

(8) Each product produced by type, amount, process or processes and rate of production.

(9) Type and amount of raw materials processed (average and maximum per day).

(10) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(11) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(12) All wastewater discharge permit applications and user reports must be signed by the user or an authorized representative of the user and contain the following certification statement:

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

The director will evaluate the data furnished by the user and may require additional information.

(Ord. No. 00-26, § 1(13), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-59. Sampling and testing procedures.

(a) *Sampling procedures.*

(1) Except as indicated in subsection (a)(2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, hexavalent chromium, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) *Testing procedures.*

(1) All wastewater monitoring samples required by the city shall be tested by an independent laboratory for the parameters required, with the results submitted to the city on the original laboratory report sheets. The requirement for utilization of an independent laboratory may be waived by the city when the required tests are performed by the city or other approved agency or when duplicate ("split") samples are provided to the city and the city's testing results of such duplicate samples show a reasonably good correlation with the user's in-house testing results.

(2) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or in accordance with any applicable EPA testing procedure of general acceptance in the chemical testing industry, provided, however, that all such analyses shall be determined in accordance with the requirements of 40 CFR 136, which requirements shall prevail in the event of conflict.

(3) The cost(s) incurred for testing shall be the responsibility of the customer.

(Ord. No. 00-26, § 1(14), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-60. Significant industrial users.

(a) *General.* All significant industrial users (see definition of significant industrial user in section 94-32) that discharge wastewater effluent into the city wastewater system shall comply with the following:

(b) *Sampling manhole.* In order to provide for accurate sampling and measurement of industrial wastes, each significant industrial user shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole or sampling chamber to be located outside the plant. If inside the plant fence, there shall be a gate near the sampling manhole with a key furnished to the city. There shall be ample room provided in each sampling manhole to enable convenient inspection and sampling by the city, or its agent. In certain sampling manholes where noxious fumes may accumulate, the city may require a fume exhaust system to protect the life and health of the city employees who are required to enter the sampling manhole. The fume exhaust system should extract the fumes from the bottom of the manhole and provide not less than one air change per minute.
(c) *Discharge permit required.* It shall be unlawful for any significant industrial user, as determined under this article, to discharge wastewater into the city wastewater system without a city issued discharge permit.
(Ord. No. 00-26, § 1(15), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-61. Discharge permits.
(a) *General.* All significant industrial users proposing to connect to or to contribute to the city wastewater system shall obtain a wastewater discharge permit before connecting to or contributing to the city system.
(b) *Application.*
(1) When requested to do so by the director, all significant industrial users shall complete and file with the director an application for a permit accompanied by a non-refundable fee as set by resolution of the board of commissioners, from time to time. Existing users shall apply for a discharge permit within 60 days of notification by the director that a discharge permit is required. Proposed new users shall make application not less than 90 days prior to connecting to or contributing to the city wastewater system. The completed wastewater pretreatment permit application described in section 94-58 will serve as application for a discharge permit.
(2) The director will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit, in writing, stating the reasons for denial.
(3) Any aggrieved user, whose permit application has been denied, may petition the director to reconsider the terms of a wastewater discharge permit within 30 days of notice of its denial.
a. Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal. The petition shall set forth all grounds of alleged error upon which the permit denial was based.
b. If the director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit denial shall be considered final administrative actions for purposes of judicial review.
c. Aggrieved users seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition for writ of certiorari in the spalding county superior court.

(c) *Modifying permit.* The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
(4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
(5) Violation of any terms or conditions of the wastewater discharge permit;
(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
(8) To correct typographical or other errors in the wastewater discharge permit; or
(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.
(d) *Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits must contain, at a minimum, the following:
(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (e) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
(3) Effluent limits based on applicable pretreatment standards;
(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
(5) A statement of applicable sanctions for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
(6) Wastewater discharge permits may also contain, but need not be limited to, the following conditions:
a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
h. Other conditions as deemed appropriate by the director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.
(e) *Duration.* Permits shall be issued for a period as determined by the city, not to exceed five years, and shall bear a stated expiration date. It shall be the responsibility of the permittee to apply for permit renewal a minimum of 60 days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in subsection (c), above, are modified, conditions change, or other just cause exists. The permittee shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
(f) *Transfer*. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:
(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
(2) Identifies the specific date on which the transfer is to occur; and
(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.
(g) *Suspension, revocation or denial.*
(1) Procedure. When director has reason to believe that any one of the conditions enumerated in subsection (2) below exists, he shall give written notice thereof to the permittee. Said notice shall set forth the time and place where the charges shall be heard by the director. The hearing date shall not be less then 15 days from the mailing of such notice by certified mail to the permittee at the address shown on the permit or at permittee's last known address. At the hearing, the permittee shall have an opportunity to refute the allegations set forth in the proposed permit revocation notice. If after the hearing the director finds that any one of the conditions hereinafter enumerated in subsection (2), below, exists, he shall have the right to suspend, revoke or deny the permit.
(2) Any of the following is reason for permit suspension, revocation or denial.
a. Failure to notify the superintendent of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the superintendent of changed conditions pursuant to section 94-62 of this article;
c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
d. Falsifying self-monitoring reports;
e. Tampering with monitoring equipment;
f. Refusing to allow the superintendent timely access to the facility premises and records;
g. Failure to meet effluent limitations;
h. Failure to pay fines;
i. Failure to pay sewer charges;
j. Failure to meet compliance schedules;
k. Failure to complete a wastewater survey or the wastewater discharge permit application;
l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
(Ord. No. 00-26, § 1(16), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-62. Reporting requirements.
(a) *Baseline monitoring reports.*
(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsection (a)(2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in subsection (a)(2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
(2) Users described above shall submit the information set forth below.
a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

e. *Measurement of pollutants.*

1. The categorical pretreatment standards applicable to each regulated process.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 94-59 of this article.

3. Sampling must be performed in accordance with procedures set out in section 94-59 of this article.

f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 94-62(b) of this article.

h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 94-58 of this article.

(b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection (a)(2)g of this section:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine months elapse between such progress reports to the director.

(c) *Periodic compliance reports.*

(1) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the

nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 94-58 of this article.

(2) All other users who have been issued discharge permits are required to submit compliance reports at the intervals set forth in each user's individual permit. The compliance reports shall address the discharge parameters and all other information indicated as being necessary to report as shown in the user's permit.

(3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in section 94-59 of this article, the results of this monitoring shall be included in the report.

(d) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 94-62(a)(2)d--f of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 94-58 of this article.

(e) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

(1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 94-61 of this article.

(2) The director may issue a wastewater discharge permit under section 94-61 of this ordinance or modify an existing wastewater discharge permit under section 94-61 of this ordinance in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(f) *Reports of potential problem, including slug loading.*

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the industrial pretreatment coordinator of the incident. This

notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (f)(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(g) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require, in writing.

(h) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation. The user is not required to resample if the city monitors at the user's facility at least once a month, or if the city samples between the user's initial sampling and when the user receives the results of this sampling.

(i) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, 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 the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 94-62(e) of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c) and (d) of this section.

(2) Dischargers are exempt from the requirements of subsection (f)(1), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and

261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(j) *Sampling and testing.* All sampling and testing performed under this subsection for reporting requirements shall be conducted in accordance with section 94-59.

(k) *Written reports will be deemed to have been submitted on the date postmarked.* For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. No. 00-26, § 1(17), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-63. Maintenance of records.

(a) *Sampling and testing records.* Any permitted user subject to the reporting requirements established in section 94-62 shall maintain records of all information resulting from any monitoring activities required by section 94-61. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) The name of the person(s) who performed the analysis;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(b) *Monitoring activities and records of results.* Any permitted user subject to the reporting requirements established in section 94-62 shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the city, state, or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the permitted user, or when requested by the city, state, or EPA.

(Ord. No. 00-26, § 1(18), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-64. Regulation of waste received from other jurisdictions.

(a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city may enter into an intergovernmental contract with the contributing municipality.
(b) Prior to entering into an agreement required by subsection (a), above, the director shall request the following information from the contributing municipality:
(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
(3) Such other information as the director may deem necessary.
(c) An intergovernmental contract, as required by subsection (a), above, shall contain the following conditions:
(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in section 94-56 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;
(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
(3) A requirement for new significant industrial users discharging into sewers of a contributing municipality to obtain a wastewater discharge permit from the director;
(4) In the event the contributing municipality has in place an industrial pretreatment program approved by EPD, a provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the director; and which of these activities will be conducted jointly by the contributing municipality and the director;
(5) A requirement for the contributing municipality to provide the director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
(6) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
(7) Requirements for monitoring the contributing municipality's discharge;
(8) A provision ensuring the director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the director; and
(9) A provision specifying remedies available for breach of the terms of the intergovernmental contract.
(Ord. No. 00-26, § 1(19), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-65. Industrial pretreatment facilities.
(a) *Requirement for.* All users shall provide necessary wastewater pretreatment as required to comply with the limitations and provisions contained in this article and to achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and

maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city prior to commencement of construction of the facility. The review of such plans and operating procedures will in no way relieve the user of the responsibility for modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(b) *Compliance schedules.* The timing of construction and operation of pretreatment facilities as required hereby shall be in accordance with the compliance schedules provided by the city as described in section 94-62(b); however, the city shall also have the authority to issue compliance schedules independent of the permitting process and such compliance schedules may be enforced by the city as provided in the enforcement and penalties section of this chapter.

(c) *Maintenance of pretreatment facilities.* All wastewater pretreatment facilities shall be properly and adequately maintained by the user so as to achieve the intended purpose of the facilities.

(d) *Restriction of discharges.* Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(e) *Storage and flow-control facilities.* The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(f) *Combustible gas detection meters.* Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 00-26, § 1(20), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-66. Sand and oil/grease interceptors.

(a) *Requirement for.*

(1) Installation requirements for new food service facilities. All proposed or newly remodeled food service facilities inside the city's wastewater service area shall be required to install an approved, properly operated and maintained grease interceptor. All interceptor units shall be installed outdoors of the food service facility building unless the user can demonstrate to the director that an outdoor interceptor would not be feasible. All interceptor units shall be of the type and capacity approved by the director.

(2) Requirements for existing food service facilities. All existing food service facilities inside the city's wastewater service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed. Existing food service facilities will be handled according to conditions described in the city's grease management program.

(3) All users whose wastewater stream is associated with unusually large quantities or grit, sand or gravel shall be required to install a sand trap. All car/truck wash systems shall be required to install a grit trap. Design and installation shall be approved by the director.

(4) The requirements of this article section shall not apply to private living quarters or dwelling units.

(b) *Design criteria.*

(1) Interceptor sizing. Outdoor grease interceptors shall not have a capacity of less than 1,500 gallons nor exceed a capacity of 3,000 gallons. No matter what the calculated capacity using the following formulas, the minimum interceptor size shall be 1,500 gallons. If the calculated capacity using one of the following formulas exceeds 3,000 gallons, then multiple units in series shall be installed. The size of a grease interceptor shall be approximated by the following methods and grease interceptor size shall be the larger of the two results.

a. Interceptor Capacity (gallons) = (S)× (25)× (Hr/12)

S = Number of Seats

Hr = Maximum hours of daily operation (include preparation & clean up)

b. Interceptor Capacity (gallons) = (Sum of fixture flows)× (20)

TABLE INSET:

Type of Fixture	Flow Rate (gpm)
Restaurant hand sink	15
Pre-rinse sink	15
Single-compartment sink	20
Double-compartment sink	25
Two double-compartment sinks	35
Dishwasher up to 30 gallons	15
Dishwasher up to 50 gallons	25
Dishwasher up to 100 gallons	40
Other fixture	Manufacturer peak

(2) Under-sink or in-line grease interceptor requirements shall meet Plumbing and Drainage Institute Standard PDI-G101:

TABLE INSET:

Type of Fixture	Flow Rate (gpm)	Grease Retention Capacity (lbs)
Restaurant hand sink	15	30
Pre-rinse sink	15	30
Single-compartment sink	20	40
Double-compartment sink	25	50
Two double-compartment sinks	35	70
Dishwasher up to 30 gallons	15	30
Dishwasher up to 50 gallons	25	50
Dishwasher up to 100 gallons	40	80
Other fixture	Manufacturer peak	gpm x 2

Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the costs to provide additional measures if required by the director. City reserves the right to evaluate interceptor sizing on an individual basis for facilities with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

(c) *Maintenance.*

(1) All grease, oil and sand interceptors or traps shall be maintained by the user at this expense, in continuously efficient operation at all times and as according to the city's grease management program.

(2) In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, and means of disposal which are subject to review by the director. The frequency of removal shall be in accordance with the city's grease management program.

(d) *Proper disposal of collected materials.* Any removal and hauling of the collected materials not performed by the owner's employees must be performed by currently licensed waste disposal firms. Under no circumstances shall the collected materials ever be returned to the wastewater system.

(Ord. No. 00-26, § 1(21), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-67. Accidental discharges.

(a) *Protection against.* Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Additionally, any person or industry which handles hazardous wastes, any priority pollutant as shown on the EPA list, or any prohibited materials shall, upon the request of the city, provide proof of protection from accidental discharge of hazardous wastes, priority pollutants, or prohibited materials. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facilities. All existing users shall complete such a plan within 90 days after the effective date of this article. Construction shall be completed within 180 days of approval of plans by the city. No significant industrial user who commences contribution to the city wastewater system after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures and facilities (if required) have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

(b) *Notification required.* Notification of accidental discharge shall be in accordance with section 94-62(f) of this ordinance.

(c) *Accidental discharge/slug control plans.* At least once every two years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by section 94-62 of this article; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 00-26, § 1(22), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-68. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate any section of this ordinance or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits. A fee for disposal of septic tank waste shall be charged according to a schedule

recommended by the director and adopted by resolution of the board of commissioners, as from time to time revised.

(b) The director shall require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

(c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 00-26, § 1(23), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-69. Affirmative defenses to discharge violations.

(a) *Definitions.* For the purposes of this section:

(1) *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Allowable bypass.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (c) and (d) of this section.

(c) *Notices.*

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the pretreatment coordinator of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the 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 director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) *Bypass is prohibited; enforcement; exception.* Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

(1) 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(3) The user submitted notices as required under subsection (c) of this section.
(e) *Approval.* The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in subsection (d) of this section.
(Ord. No. 00-26, § 1(24), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-70. City's right of revision.
The city reserves the right to establish, by future amendment to this ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
(Ord. No. 00-26, § 1(25), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-71. Dilution.
No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
(Ord. No. 00-26, § 1(26), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-72. Confidential information.
Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as "trade secrets" under applicable state law. Any such request must be asserted at the time of submission of the information or data. To the extent allowed by law, when requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 00-26, § 1(27), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-73. Miscellaneous provisions.
Industrial wastewater pretreatment system operators. Operators of industrial wastewater pretreatment systems must comply with State of Georgia licensing requirements.
(Ord. No. 00-26, § 1(28), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)

Sec. 94-74. High strength wastewater surcharge.
(a) *Establishment of surcharge.* Users discharging high strength wastewater into the city wastewater system may be assessed a monetary surcharge, in addition to the normally required sewer use charges, in an amount to be calculated as shown below. A "high strength" wastewater is defined as wastewater which contains the below shown parameters in excess of the below shown monthly average concentrations:
(1) Five day, 20°C biochemical oxygen demand (BOD_5) of 300 milligrams per liter (mg/l), not to exceed a maximum of 500 mg/l.
(2) Chemical oxygen demand (COD) of 500 milligrams per liter (mg/l), not to exceed a maximum of 1,000 mg/l.
(3) Total ammonia nitrogen ($NH_3 + NH_4$) of 30 mg/l, not to exceed a maximum of 45 mg/l.
(4) Total phosphorus of 15 mg/l, not to exceed a maximum of 25 mg/l.
(5) Floatable oil and grease of 100 mg/l, not to exceed a maximum of 150 mg/l.
The above parameters shall be determined by the utilization of the sampling and testing procedures as provided in section 94-59.
The amount of the surcharge, which may be charged and assessed against all users discharging high strength wastewater into the city wastewater system, shall reflect the cost incurred by the city in handling the excess oxygen demand, ammonia, total phosphorus, and floatable oil and grease. This surcharge shall include a proportionate share of charges for maintenance and operation of the wastewater treatment facilities including depreciation and other incidental expenses.
(b) *Formula.* When the concentrations of the surcharged parameters shown above exceed the values of the constituents as set forth in subsection (a), above, the excess concentrations may be subject to a surcharge in the amount derived in accordance with the following formula:
Surcharge $/month = $P \times G \times 8.34 \times C$
Where:
"P" is the excess monthly average concentration in mg/l of the parameter (BOD_5, etc.) being evaluated; i.e. the actual concentration less the allowable concentration listed in subsection (a) would be the excess. The maximum concentration shown in subsection (a) above shall not be exceeded.
"G" is equal to the user's monthly wastewater flow in millions of gallons.
"8.34" is a conversion factor.
"C" is equal to the unit cost in dollars per pound ($/lb) for the treatment of the surcharged parameters. This value shall be established by the director based on actual wastewater treatment costs which shall be revised from time to time as necessary.

(c) *Quantitative measurement of surchargeable parameters.* The measurement of the surcharge parameters (BOD5, COD, ammonia, total inorganic phosphates, or floatable oil and grease) shall be conducted as follows:
(1) Monitoring to determine surcharge shall be conducted by the industrial user as specified in the user's permit except that frequency of testing for surchargeable parameters shall be a minimum of two tests per month. If the permit requires more frequent testing, then the average of all test results will be used to calculate the surcharge. If the permit requires less frequent testing for compliance purposes, then testing frequency will be increased to twice per month.
(2) The city may sample the user as often as desired at the city's expense. The city will split the sample with the industrial user at the user's request.
(d) *Billing procedure.* Wastewater surcharges as provided for in this section will be included on the user's regular water and sewer bill or on a separate wastewater surcharge bill.
(Ord. No. 00-26, § 1(29), 11-28-2000; Ord. No. 03-05, § 1, 3-11-2003)
Secs. 94-75--94-90. Reserved.

DIVISION 3. ENFORCEMENT AND PENALTIES

Sec. 94-91. Enforcement.
(a) *Generally.* The failure of any person to comply with any provision contained in this article shall be a violation which shall be enforced in accordance with the penalties and provisions as set forth in this division.
(b) *Inspections.* The director shall have the right to direct and conduct such investigations as he may reasonably deem necessary to carry out his duties as described in this article. For this purpose, the director and his authorized employees and representatives, upon presentation of proper credentials, shall have the right to enter at reasonable times on any property, public or private, for the purpose of investigating and inspecting the conditions relating to pollution and to inspect the operating records of any sewage system, waste treatment work, or other sewage disposal method. Upon refusal of the right of entry, the director may apply to the municipal court for an administrative search warrant, upon showing probable cause that a violation exists.
(c) *Significant noncompliance.* The term "significant noncompliance" shall mean:
(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
(3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;
(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
(6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
(7) Failure to accurately report noncompliance; or
(8) Any other violation which the director determines will adversely affect the operation or implementation of the city's pretreatment program.
(Ord. No. 00-26, § 1(41), 11-28-2000)

Sec. 94-92. Notice of violation.
When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or consent order issued hereunder, or any other pretreatment standard or requirement, the director shall serve upon that user a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without a notice of violation first being issued.
(Ord. No. 00-26, § 1(42), 11-28-2000)

Sec. 94-93. Consent orders.
The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified in the document. Such documents shall have the same force and effect as binding contracts under state law and shall be judicially enforceable by petition for specific performance.
(Ord. No. 00-26, § 1(43), 11-28-2000)

Sec. 94-94. Injunctive relief.
When the director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued under this article, or any other pretreatment standard or requirement, the director may petition the county superior court, through the city attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains the further violation and/or compels the specific performance of the wastewater discharge permit, consent order, or other requirement imposed by this article on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to

conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Ord. No. 00-26, § 1(44), 11-28-2000)

Sec. 94-95. Termination of discharge.
(a) Any user who violates the following conditions is subject to discharge termination:
(1) Violation of wastewater discharge permit conditions;
(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
(5) Violation of the pretreatment standards in division 2 of this article.
(b) Such user shall be notified, in writing, of the proposed termination of its discharge and be offered a reasonable opportunity to show cause before the director why the proposed action should not be taken. The decision of the director, after notice and opportunity for hearing, shall be deemed a final action by the city. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. Aggrieved users may seek judicial review by petitioning the superior court of the county for writ of certiorari.
(Ord. No. 00-26, § 1(45), 11-28-2000)

Sec. 94-96. Emergency suspensions.
(a) The director may immediately suspend a user's discharge, after oral notice to the user, whenever, in the director's sole discretion, such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in section 94-95 are initiated against the user.
(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of a termination hearing under section 94-95.
(b) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(Ord. No. 00-26, § 1(46), 11-28-2000)

Sec. 94-97. Civil liability.

(a) A user who has violated, or continues to violate, any provision of O.C.G.A. § 12-15-21, any provision of this article, or any regulations promulgated by the environmental protection division of the department of natural resources relating to the collection, transportation, and disposal of commercial wastes, or any permit condition or limitation established pursuant to this article, shall be liable for a civil penalty not to exceed $2,500.00, per day, for each violation. In the case of a monthly or other longterm average discharge limit, civil penalties shall accrue for each day during the period of the violation, but shall not exceed $25,000.00 cumulatively. The director shall cause a complaint and summons to be served upon the violator ordering the violator to appear before the municipal court to show cause why such penalty shall not be imposed. For the purpose of enforcing the provisions of this article, notwithstanding any provision in O.C.G.A. § 36-35-6, any other provision of law, or municipal charter to the contrary, the municipal court shall have civil jurisdiction in cases of violations committed within the municipal limits of the city and shall be authorized to impose the civil penalties above stated. Violations by customers of the city sewer system outside the municipal limits of the city shall be brought in the appropriate county court of civil jurisdiction. Timely written notice of any enforcement action taken pursuant to this section shall be given the Environmental Protection Division of the Georgia Department of Natural Resources; provided, however, failure to give such notice shall not be a defense to the underlying violation.

(b) In addition to any monetary fine imposed, the director may seek restitution of reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of penalty to be imposed, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions voluntarily undertaken by the user, the compliance history of the user, and any other factor as justice requires.

(d) In lieu of the provisions of subsections (a) through (c) of this section, the director may, in his sole discretion, elect to file a complaint for civil liability in the state court of the county, in accordance with O.C.G.A. § 12-5-51. In those cases where the violator has been cited to municipal court and refuses to waive the right to trial by jury, the municipal court may bind the case over to the state court under this section.

(e) Conviction in the municipal court under this section shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 00-26, § 1(47), 11-28-2000; Ord. No. 04-18, § 1, 7-27-2004)

Sec. 94-98. Criminal prosecution.

(a) A user who willfully or knowingly violates any provision of this article, a wastewater discharge permit, or consent order issued under this article, or any order of the municipal court issued under section 94-97, shall, upon conviction, be guilty of a misdemeanor. The director shall apply for a state warrant for violation of O.C.G.A. § 12-5-53(a), returnable to the state court of the county.

(b) The director shall seek the issuance of state warrants for any person violating any of the provisions set forth in O.C.G.A. § 12-5-53(b)--(d), returnable to the appropriate state courts of criminal jurisdiction.
(Ord. No. 00-26, § 1(48), 11-28-2000)

Sec. 94-99. Remedies nonexclusive.
The remedies provided for in this article are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user.
(Ord. No. 00-26, § 1(49), 11-28-2000)

Sec. 94-100. Publication of users in significant noncompliance.
The director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in section 94-91.
(Ord. No. 00-26, § 1(50), 11-28-2000)

Sec. 94-101. Notification delivery of enforcement actions.
Written notice personally delivered or placed in the U.S. mail by certified mail to the person's last known address, as shown in city utility billing records, shall be deemed sufficient notice for all enforcement actions in this article. Such notice may be personally served on the user or any authorized representative of the user. With respect to article violations regarding nonpayment of amounts due under this article, only notice mailed to the person's last known address, by regular U.S. mail, of the amount owed and the date upon which payment is due shall be required.
(Ord. No. 00-26, § 1(51), 11-28-2000)
Secs. 94-102--94-130. Reserved.