

SEWER USE ORDINANCE
CITY OF CHATSWORTH

TABLE OF CONTENTS

PAGE

ARTICLE 1 – GENERAL PROVISIONS.....	1
1.1 Purpose and Policy.....	1
1.2 Administration.....	1
1.3 Abbreviations.....	2
1.4 Definitions.....	2
ARTICLE 2 – GENERAL SEWER USE REQUIREMENTS.....	9
2.1 Use of Public Sewers Required.....	9
2.1 Private Wastewater Disposal.....	9
2.2 Hauled Wastewater.....	11
2.3 Restricted Use of Public Sewer.....	11
ARTICLE 3 – BUILDING SEWERS AND CONNECTIONS.....	15
ARTICLE 4 – PRETREATMENT OF WASTEWATER.....	17
4.1 Pretreatment Facilities.....	17
4.2 Additional Pretreatment Measures.....	17
4.3 Accidental Discharge/Slug Control Plans.....	19
ARTICLE 5 – WASTEWATER DISCHARGE PERMIT APPLICATION.....	19
5.1 Wastewater Analysis.....	19
5.2 Wastewater Discharge Permit Requirement.....	19
5.3 Wastewater Discharge Permitting: Existing Connections.....	19
5.4 Wastewater Discharge Permitting: New Connections.....	20
5.5 Wastewater Discharge Permit Application Contents.....	20
5.6 Application Signatories and Certification.....	20
5.7 Wastewater Discharge Permit Decisions.....	21
ARTICLE 6 – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS.....	21
6.1 Wastewater Discharge Permit Duration.....	21
6.2 Wastewater Discharge Permit Contents.....	21
6.3 Wastewater Discharge Permit Modification.....	22
6.4 Wastewater Discharge Permit Transfer.....	23
6.5 Wastewater Discharge Permit Revocation.....	23
6.6 Wastewater Discharge Permit Reissuance.....	24
6.7 Regulations of Waste Received from Other Jurisdictions.....	24
6.8 Conditions for Special Agreements.....	25
ARTICLE 7 – REPORTING REQUIREMENTS.....	25
7.1 Baseline Monitoring Reports.....	25
7.2 Compliance Schedule Progress Reports.....	26
7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline.....	26
7.4 Periodic Compliance Reports.....	27
7.5 Reports of Changed Conditions.....	27
7.6 Reports of Potential Problems.....	27
7.7 Reports from Unpermitted Users.....	28
7.8 Notice of Violation/Repeat Sampling and Reporting.....	28
7.9 Notification of the Discharge of Hazardous Waste.....	28
7.10 Analytical Requirements.....	29
7.11 Sample Collection.....	29
7.12 Timing.....	29
7.13 Record Keeping.....	29
ARTICLE 8 – COMPLIANCE MONITORING.....	30
8.1 Right of Entry: inspection and Sampling.....	30
8.2 Search Warrants.....	30
ARTICLE 9 – CONFIDENTIAL INFORMATION.....	31
ARTICLE 10 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.....	31

ARTICLE 11 – ADMINISTRATIVE ENFORCEMENT REMEDIES.....	32
11.1 Notification of Violation.....	32
11.2 Consent Orders.....	32
11.3 Show Cause Hearing.....	32
11.4 Compliance Orders.....	32
11.5 Cease and Desist Orders.....	33
11.6 Administrative Fines.....	33
11.7 Emergency Suspensions.....	34
11.8 Termination of Discharge.....	34
ARTICLE 12 – JUDICIAL ENFORCEMENT REMEDIES.....	35
12.1 Injunctive Relief.....	35
12.2 Civil Penalties.....	35
12.3 Criminal Prosecution.....	35
12.4 Remedies Nonexclusive.....	36
ARTICLE 13 – SUPPLEMENTAL ENFORCEMENT ACTION.....	36
13.1 Performance Bonds.....	36
13.2 Liability Insurance.....	36
13.3 Water Supply Severence.....	36
13.4 Public Nuisances.....	36
13.5 Contractor Listing.....	37
ARTICLE 14 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.....	37
14.1 Upset.....	37
14.2 Prohibited Discharge Standards.....	38
14.3 Bypass.....	38
ARTICLE 15 – WASTEWATER TREATMENT RATES.....	39
ARTICLE 16 – MISCELLANEOUS PROVISIONS.....	39
16.1 Pretreatment Charges and Fees.....	39
16.2 Severability.....	40
ARTICLE 17 – EFFECTIVE DATE.....	40

SEWER USE ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR BIOLATIONS THEROF IN THE CITY OF CHATSWORTH, STATE OF GEORGIA.

ARTICLE 1

GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Chatsworth and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code #1251 et seq.) and the General Pretreatment Regulations (40 Code Of Federal Regulations Part 403). The objective of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the city of comply with its Natural Pollutant Discharge Elimination System permit conditions, Sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.1.1 Administration

Except as otherwise provides herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meaning:

- BOD – Biochemical Oxygen Demand
- CFR – Code of Federal Regulations
- COD – Chemical Oxygen Demand
- EPA – U. S. Environmental Protection Agency

- gpd – gallons per day
- mg/l – milligrams per liter
- NPDES – National Pollutant Discharge Elimination System
- POTW – Publicly Owned Treatment Works
- RCRA – Resource Conservation and Recovery Act
- SIC – Standard Industrial Classification
- TSS – Total Suspended Solids
- U.S.C. – United States Code

1.4 Definitions

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

- 1.4.1 “Act” or “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. 33 U. S. C. 1251 et. Seq.
- 1.4.2 “Approval Authority” shall mean the environmental Protection Division of the Department of Natural Resources of the State of Georgia.
- 1.4.3 “Authorized Representative of Industrial User” shall mean the authorized representative of an industrial user may be:
- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal 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 operations facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980), 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 of Chatsworth.
- 1.4.4 “Authority” shall mean the City of Chatsworth.
- 1.4.5 “Biochemical oxygen demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedures in five (5) days at 20 (twenty) degrees C, expressed in milligrams per liter.
- 1.4.6 “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

- 1.4.7 “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection or service connection.
- 1.4.8 “Categorical Standards” shall mean the National Categorical Pretreatment Standards or Pretreatment Standard, which are found in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- 1.4.9 “City” shall mean the governing authority of the City of Chatsworth, GA or the board of the Chatsworth Water Works Commission or their designated agent.
- 1.4.10 “Cooling Water” shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- 1.4.11 “Control Authority” shall mean the City of Chatsworth.
- 1.4.12 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- 1.4.13 “Customer” shall mean every person who is responsible for contracting with the City of Chatsworth and in obtaining, having, or using water and other related services furnished by the City of Chatsworth for the purpose of disposing of wastewater and sewage through said system. Said terms shall include the occupants of each unit of and multiple-family dwelling unit building as a separate and distinct customer.
- 1.4.14 “Direct Discharge” shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Georgia.
- 1.4.15 “Department Head” shall mean the person designated by the Authority as head of the Water and Pollution Control Department.
- 1.4.16 “Easement” shall mean an acquired legal right for the specific use of land owned by others, and/or a granted right to go in, upon, and over all or any part of the property for the purpose of inspecting, sampling, to insure and protect the environment, POTW, or anything covered in this ordinance.
- 1.4.17 “Environmental Protection Agency, or EPA”, shall mean 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.
- 1.4.18 “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil or fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- 1.4.19 “Flush toilet” shall mean the common sanitary flush commode in general use for the disposal of human excrement.
- 1.4.20 “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving foods.
- 1.4.21 “Grab Sample” shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 1.4.22 “Health Officer” shall mean the director of the county board of health, the department head of the water and pollution control department, or other person designated by the City and their duly appointed assistants.
- 1.4.23 “Holding Tank Waste” shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 1.4.24 “Indirect Discharge” shall mean the discharge or introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- 1.4.25 “Industrial User” shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

- 1.4.26 “Industrial Waste” shall mean the Wastewater from industrial processes as distinct from domestic or sanitary waste.
- 1.4.27 “Industrial Waste Surcharge” shall mean the charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.
- 1.4.28 “Infiltration/Inflow” shall mean the groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.
- 1.4.29 “Interference” shall mean 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 cause of a violation of the Authority’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 of 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; and the Marine Protection, Research, and Sanctuaries Act.
- 1.4.30 “Medical Waste” shall mean 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.
- 1.4.31 “National Categorical Pretreatment Standard or Pretreatment Standards” shall mean any regulation containing pollutant discharge limits promulgated by the EPA on accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial user.
- 1.4.32 “National Prohibitive Discharge Standard or Prohibitive Discharge Standard” shall mean any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
- 1.4.33 “Natural Outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body surface of groundwater.
- 1.4.34 “New Source” shall mean:
- 1) Any building, 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 © 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 process 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 Section (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 (*) any placement, assembly or installation of facilities or equipment: or (**) 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 period of 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.

- 1.4.35 “National Pollution Discharge Elimination System or NPDES Permit” shall mean a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- 1.4.36 “Noncontact Cooling Water” shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 1.4.37 “Normal Wastewater” shall mean wastewater discharged into the sanitary sewers in which the average concentrations do not exceed the following: BOD-300 mg/l, -Tss-300 mg/l, NH₃-N-40 mg/l; and the total flow is not more than 25,000 gallons per day.
- 1.4.38 “Pass Through” shall mean a discharge which exits the POTW into water 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 Authority’s NPDES permit, including an increase in the magnitude or duration of a violation.
- 1.4.39 “Person” shall mean any individual, partnership, co-partnership, firm, company, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 1.4.40 “pH” shall be the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 1.4.41 “Pit Privy” shall mean shored, vertical pit in the earth completely covered with a flytight slab on which is securely located in a flytight riser covered with hinged flytight seat and lid.
- 1.4.42 “Pollution” shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 1.4.43 “Pollutant” shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water.
- 1.4.44 “Pretreatment or Treatment” shall mean the reductions of the amount of pollutants, or the alteration of the nature of pollutants, in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, or biological processes, or by process changes or other means, except as prohibited by 40 CFR Section part 403(d).
- 1.4.45 “Pretreatment Requirements” shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- 1.4.46 “Pretreatment Standards or Standards” shall mean pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- 1.4.47 “Prohibited Discharge Standards or Prohibited Discharges” shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article 2.4 of this ordinance.
- 1.4.48 “Properly Shredded Garbage” shall mean 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 ½” in any dimension.
- 1.4.49 “Publicly Owned Treatment Works (POTW)” shall mean a treatment works as defined by Article 212 of the Act (33 U.S.C.>1292) which is owned in this instance by the Authority. 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 ordinance, “POTW” shall also include any sewers that convey wastewaters to the POTW from persons outside the Authority who are, by contract or agreement with the Authority, users of the Authority.

- 1.4.50 “POTW Treatment Plant” shall mean that portion of the POTW designed to provide treatment to wastewater.
- 1.4.51 “Public Sewer” shall mean a common sewer controlled by a governmental agency or public utility.
- 1.4.52 “Sanitary Sewer” shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- 1.4.53 “Septic Tank” shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with: (a) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and (b) 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.
- 1.4.54 “Septic Tank Waste” shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 1.4.55 “Sewage” shall mean the spent water of a community. The equivalent term is “wastewater (see Article 1.4.66)
- 1.4.56 “Sewage Works (sewage)” shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- 1.4.57 “Sewer” shall mean a pipe or conduit that carries wastewater.
- 1.4.58 “Shall” shall mean mandatory; “May” shall mean permissive.
- 1.4.59 “Significant Industrial User” shall mean:
- 1) A user subject to categorical pretreatment standards or;
 - 2) A user that:
 - A) Discharges an average flow of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, or boiler blowdown wastewater);
 - B) Contributes a process wastestream which makes up five (5) 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 authority on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or equipment.
 - 3) Upon finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW’s operations or for violating any pretreatment standard, or requirement, the authority 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 DFR 403.8 (f) (6), determine that such user should not be considered a significant industrial user.
- 1.4.60 “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.
- 1.4.61 “Standard Industrial Classification (SIC)” shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 1.4.62 “State” shall mean the State of Georgia.
- 1.4.63 “Storm Drain, sometimes termed storm sewer” shall mean a drain or sewer for conveying water, ground-water, subsurface water or unpolluted water from any source.
- 1.4.64 “Storm Water” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

- 1.4.65 “Superintendent” shall mean the water and wastewater Superintendent for the city of Chatsworth, or the authorized representative.
- 1.4.66 “Suspended Solids” shall mean the 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.
- 1.4.67 “Toxic Pollutant” shall mean any pollutant or combination of pollutants listed as toxic in regulatory promulgated by the Administrator of the Environmental Protection Agency (EPA) under the provision of CWA 307(1) or other Acts.
- 1.4.68 “Unpolluted Water” shall mean the waste 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 provided.
- 1.4.69 “User” shall mean any person who contributes, causes or permits the contribution of wastewater into the City POTW.
- 1.4.70 “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.
- 1.4.71 “Wastewater Treatment Plant or Treatment Plant” shall mean the portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- 1.4.72 “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- 1.4.73 “Working Day” shall mean Monday through Friday.

ARTICLE 2

GENERAL SEWER USE REQUIREMENTS

- 2.1 Use of Public Sewers Required
 - 2.1.1 All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.
 - 2.1.2 No person shall dispose of human excrement except in a toilet.
 - 2.1.3 It shall be unlawful to discharge to any natural outlet within the City of Chatsworth or in any area under the jurisdiction of the City, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well penetrating, water bearing formation, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
 - 2.1.4 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
 - 2.1.5 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City of Chatsworth jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Chatsworth is hereby required at the owner’s expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line.
 - 2.1.6 All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer, provided that where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used.

- 2.2 Private Wastewater Disposal
- 2.2.1 Where a public sanitary sewer is not available under the provisions of Article 2.1, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the City of Chatsworth and the Georgia Department of Human Resources.
- 2.2.2 Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the health officer. Septic tanks shall be maintained in sanitary working order.
- 2.2.3 No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the health officer. The health officer may withhold the issuance of such a permit pending the inspection and approval by the health officer of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.
- 2.2.4 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that is required by the health officer. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 2.2.5 No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well being.
- 2.2.6 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days after notice except that by special petition to the City, the private disposal system may remain in operation until such time as it malfunctions. Any property where a public sewer is available and is served by public water shall be charged for sewer service.
- 2.2.7 The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City of Chatsworth.
- 2.2.8 No subsurface disposal facilities shall be installed in any place where the health officer deems the use of such Facilities to be a menace to human health or well being.
- 2.2.9 Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.
- 2.2.10 No pit privy shall be installed in the following locations:
- A) Where a public sewer is assessable to the premises involved; or,
 - B) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to the public health; or
 - C) Where a pit privy may pollute any water supply; or,
 - D) Where the use of pit privies is not in keeping with the standard of sanitation in adjacent areas.
- 2.2.11 Any premise that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the health officer that said system is not functioning in a sanitary manner, and order that said system be corrected.
- 2.2.12 Premises with private water systems shall not be connected with the public sewerage system.
- 2.2.13 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

2.3 Hauled Wastewater

- 2.3.1 Septic tank waste may be introduced into the POTW only at locations designated by the City and at such times as are established by the City. Such waste shall not violate Article 2.4 of this ordinance or any other requirements established by the City. The City may require septic tank waste haulers to obtain wastewater discharge permits.
- 2.3.2 The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- 2.3.3 Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- 2.3.4 Industrial waste haulers must provide a waste-tracking form for every load. The 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.

2.4 Restricted Use of Public Sewer

- 2.4.1 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. The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Part 405-471 are hereby incorporated.
- 2.4.2 Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- A) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-up flashpoint of less than 140 F (60 C) using the test methods specified in 40 CFR 261.21;
 - B) Wastewater having a pH less than 6.0 (or more than 9.0), or otherwise causing corrosive structural damage to the POTW or equipment;
 - C) Solid or viscous substances in amounts which cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one half inch (1/2") in dimension);
 - D) 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;
 - E) Wastewater having a temperature greater than 150 degrees F (66 degrees 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 degrees F (40 degrees C);
 - F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - G) 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.
 - H) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Article 2.3 of this ordinance;

- I) 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;
- J) 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;
- K) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- L) 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 Superintendent.;
- M) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- N) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
- O) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- P) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- Q) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 milligrams per Liter (100 mg/l);

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

2.4.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

<u>Metals</u>		<u>Conventional Pollutants Maximum Limits</u>	
Arsenic	.032 mg/l	Ammonia	225 mg/L
Cadmium	.008 mg/l	BOD	500 mg/L
Chromium T.	3.07 mg/l	Suspended Solids	500 mg/L
Chromium IV	.22 mg/l	PH	6.0 – 9.0 mgL
Copper	.109 mg/l		
Cyanide	.08 mg/l		
Lead	.12 mg/l		
Mercury	.002 mg/l		
Molybdenum	.021 mg/l		
Nickel	.150 mg/l		
Phenols	14.71 mg/l		
Selenium	.028 mg/l		
Zinc	.61 mg/l		

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances and conventional pollutants are for “total” metal and limitations in addition to, or in place of, the concentration-based limitations above.

2.4.4 State Requirements

A) State requirements and limitations on discharge shall apply in any case where they are more stringent than Federal requirements and limitations of those in this ordinance.

2.4.5 City’s Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.4.6 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 Superintendent 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.

2.4.7 Surcharge Limits

The following limits when exceed will be assessed as follows:

BOD	ALLOWABLE DAILY CONCENTRATION OF	
	0 – 320 mg/l	*normal sewer rates
	320 – 400 mg/l	*mg/l over 320 x 8.34 x flow (MGD) x Rate = \$ _____
	400 – 450 mg/l	*450 – 400 x 8.34 x flow (MGD) x Rate = \$ _____
	Over 450 mg/l	*concentration – 450 x 8.34 X flow (MGD) x Rate = \$ _____

SUSPENDED SOLIDS

Rates and limits same as above for BOD

AMMONIA NITROGEN

	ALLOWABLE DAILY CONCENTRATION OF	
	0 – Permit	* normal sewer rates
	above permit	*mg/l over permit x 8.34 x flow (MGD) x Rate = \$ _____

ALKALINITY

Failure to maintain enough alkalinity to comply with requirements of Alkalinity (minimum) = ((10 + (7 x N(NH#) mg/l)) will result in the industry paying the pro rata cost incurred by the Water Works Commission to add enough alkalinity at the QPC plant to effect the necessary treatment.

The reasoning for this assessment is to help the POTW recap out added cost of operation. These assessment charges will be billed on a separate statement monthly when occurring. The rates at which these assessments are charged are listed on a separate schedule which is on file at the City of Chatsworth Water Works office, as well as listed in each permit.

*Rates figured on daily maximum flow.

ARTICLE 3

BUILDING SEWERS AND CONNECTIONS

- 3.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of the Chatsworth Water Works Commission.
- 3.2 The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.
- 3.3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 3.4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway; the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.
- 3.5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- 3.6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

Additionally, the following materials and methods shall apply to building sewers within City supervision:

- 1) The building sewer shall be cast iron soil pipe, ASTM Specification A74, latest revision or equal; ductile iron pipe, American National Standards Institute (ANSI) Specification A21.51, latest revision, or equal, or polyvinyl chloride (PVC) sewer pipe, ASTM Specification D3034, latest revision. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe or ductile iron pipe. Bolted mechanical joints may be required by the Superintendent where the sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe except that plastic pipe may be acceptable if laid on a suitable concrete bed or cradle as approved by the Superintendent.
- 2) The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth inch per foot. Furthermore the appropriate requirements of the Occupational Health and Safety Act (OSHA) shall be followed.
- 3) The depth shall be sufficient to afford protection from frost, and the building sewer shall be laid at uniform grade and with straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building Sewers shall not be placed in the same trench with water service lines.

- 4) An excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfilling shall be performed in accordance with ASTM Specification C12, latest revision, except that no backfill shall be placed until the work has been inspected and approved.
 - 5) All joints and connections shall be made gastight and watertight. Push-on joints for cast iron soil pipe shall have neoprene gaskets in accordance with the requirements of ASTM Specification C-564. Push-on joints for ductile iron pipe shall also have neoprene gaskets and be installed according to the manufacturer's recommendations. PVC pipe joint material shall be of the bell and spigot type, sealed with a rubber "O"-ring gasket having a composition and texture which is resistant to the common ingredients of sewage, industrial wastes (including oils), and groundwater which will endure permanently under the conditions likely to be imposed by this use. Installation of gaskets shall be done in accordance with pipe manufacturer's instruction using all the necessary materials, lubricants, and equipment recommended by the manufacturer. Other joining materials may be used only when approved by the Superintendent.
 - 6) The Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly locate "Y" branch is available, the City shall, at the owners expense, cut a neat hole into the public sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees, and install a fort-five (45) degree elbow with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at an elevation of at least one tenth foot above the invert of the public sewer. A neat smooth joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.
- 3.7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor, but above the top of the manhole of the manholes upstream and downstream from the connection. Where such a connection is not possible, the City assumes no responsibility for damage to property from backups in the sewer due to blockages, flooding, collapse of the line or other unavoidable situations. No building sewer shall be laid parallel to or within three (3) feet of any load bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain be lifted by an approved means and discharged to the building sewer.
 - 3.8 No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or a building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved for purposes of disposal of polluted surface drainage.
 - 3.9 The applicant for the building permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
 - 3.10 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
 - 3.11 The Superintendent will define the availability of sewers and any costs associated with sewer permits or construction.
 - 3.12 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
 - 3.13 If any house sewer permits the entrance of infiltration or inflow, the City may:
 - 1) Require the owner to repair the house sewer.

- 2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property.
- 3) Require the owner to disconnect his sewer from the City sewer system.

ARTICLE 4

PRETREATMENT OF WASTEWATER

4.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibition set out in Article 2.4 of this ordinance within the time limitations specified by the EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

4.2 Additional Pretreatment Measures

- 4.2.1 Whenever deemed necessary, the Superintendent 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- 4.2.2 The Superintendent 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.
- 4.2.3 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- 4.2.4 Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- 4.2.5 Where pretreatment of flow-equalizing facilities are provided or required for any waters or wastes; they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- 4.2.6 Any industry discharging to the City sewer system more than 25,000 gallons per day or any discharges so designated as a potential problem by the City shall comply with the following:
 - 1) In order to provide for accurate sampling and measurement of industrial wastes, each designated discharger shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole or sampling chamber with a key furnished to the City. There shall be ample room provided in each sampling chamber to enable convenient inspection and sampling by the City, or its agent. The city will require all industries to install a monitoring manhole and a separate line for industrial waste discharging. This applies to all significant industrial users.
 - 2) Each sampling chamber shall contain a Parshall Flume, accurate weir, or similar device, with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial

plant may be sued as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing, recording devices are to be supplied, installed, and maintained by the owner. The City requires any measuring device to be calibrated by a certified/trained outside party whenever the City can fairly determine that the measurement results they have been receiving are inaccurate.

- 3) Samples shall be taken every hour, properly refrigerated and composited in proportion to the flow for a representative 24-hour sample. Such sampling shall be repeated on as many days as necessary to insure representative quantities for the entire reporting period. Industrial plants with wide fluctuations in quantities of wastes, will require an automatic sampler pace automatically by the flow-measuring device. Minimum requirements for representative quantities shall include reevaluation during each quarterly period. The determination of representative quantities shall include not less than three consecutive days of 24-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements. The frequency of sampling, sampling chamber, metering device, sampling methods, and analysis of samples shall subject, at any time, to inspection and verification by the City. Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the authority for making such inspection and verification. Plans for sampling chambers, with their location shown on a site plan shall be submitted to the City.

4.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent 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 nonroutine batch discharges;
- 2) Description of stored chemicals;
- 3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Article 7.6 of this ordinance; 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.

ARTICLE 5

WASTEWATER DISCHARGE PERMIT APPLICATION

5.1 Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

5.2 Wastewater Discharge Permit Requirement

- 1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Article 5.3 of this ordinance may continue to discharge for the time period specified therein.
- 2) The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

- 3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Article 11 through 13 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

5.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Article 5.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

5.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Article 5.5 of this ordinance, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

5.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

- 1) All information required by Article 7.1.2 of this ordinance;
- 2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- 3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- 4) Each product produced by type, amount, process or processes, and rate of production;
- 5) Type and amount of raw materials processed (average and maximum per day);
- 6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- 7) Time and duration of discharges; and
- 8) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharger permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

5.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by 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.”

5.7 Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharger permit.

ARTICLE 6

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

6.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit maybe issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

6.2 Wastewater Discharge Permit Contents

A wastewater discharger permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

6.2.1 Wastewater discharge permits must contain:

- 1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- 2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Article 6.5 of this ordinance, 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 civil and criminal penalties 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.

6.2.2 Wastewater discharge permits may contain, but need not to be limited to, the following conditions:

- 1) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow requirements for flow regulation and equalization;
- 2) 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;
- 3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- 4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW:

- 5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- 6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- 7) 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
- 8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

6.3 Wastewater Discharge Permit Modification

The Superintendent may modify wastewater discharge permit for a 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, 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.

6.4 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if their permittee give at least thirty (30) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent 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.

6.5 Wastewater Discharge Permit Revocation

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- 2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Article 7.5 of this ordinance;
- 3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- 4) Falsifying self-monitoring reports;
- 5) Tampering with monitoring equipment ;
- 6) Refusing to allow the Superintendent timely access to the facility premises and records;
- 7) Failure to meet effluent limitations;
- 8) Failure to pay fines;
- 9) Failure to pay sewer charges;
- 10) Failure to meet compliance schedules;
- 11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- 13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this ordinance.

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.

6.6 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Article 5.5 of this ordinance, a minimum of one hundred eight (180) days prior to the expiration of the user's existing wastewater discharge permit.

6.7 Regulations of Waste Received from Other Jurisdictions

- 6.7.1 If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.
- 6.7.2 Prior to entering into an agreement required by Article 6.7.1, above, the Superintendent 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 Superintendent may deem necessary.
- 6.7.3 An intermunicipal agreement, as required by Article 6.7.1, 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 Article 2.4.3, of this ordinance. 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 the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- 4) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- 5) Requirements for monitoring the contributing municipality's discharge;
- 6) A provision ensuring the Superintendent 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 Superintendent; and
- 7) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

6.8 Conditions for Special Agreements

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

ARTICLE 7

REPORTING REQUIREMENTS

7.1 Baseline Monitoring Reports

7.1.1 Within either one hundred eighty (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 Superintendent a report which contains the information listed in Article 7.1.2, below. At least ninety (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 Superintendent a report which contains the information listed in Article 7.1.2, 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.

7.1.2 Users described above shall submit the information set forth below.

- 1) IDENTIFYING INFORMATION. The name and address of the facility, including the name of the operator and owner.
- 2) ENVIRONMENTAL PERMITS. A list of any environmental control permits held by or for the facility.
- 3) 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.
- 4) 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).
- 5) MEASUREMENT OF POLLUTANTS:
 - A) The categorical pretreatment standards applicable to each regulated process.

- B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, 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 Article 7.10 of this ordinance.
 - C) Sampling must be performed in accordance with procedures set out in Article 7.11 of this ordinance.
- 6) 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.
- 7) 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 requirement set out in Article 7.2 of this ordinance.
- 8) SIGNATURE AND CERTIFICATION. All baseline monitoring reports must be signed and certified in Accordance with Article 5.6 of this ordinance.

7.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Article 7.1.2(7) of this ordinance.

- 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 contract for major components, commencing and completing construction, and beginning and conducting routine operation);
- 2) No increment referred to above shall exceed nine (9) months;
- 3) The user shall submit a progress report to the Superintendent no later than fourteen (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 (9) month elapse between such progress reports to the Superintendent.

7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (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 Superintendent a report containing the information described in Article 7.1.2 (4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 (CFR 403.6©, 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 Article 5.6 of this ordinance.

7.4 Periodic Compliance Reports

- 1) All significant industrial users shall, at a frequency determined by the Superintendent 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 Article 5.6 of this ordinance.
- 2) 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.
- 3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Article 7.11 of this ordinance, the results of this monitoring shall be included in the report.

7.5 Reports of Changed Conditions

Each user must notify the Superintendent 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 two (2) days before the change.

- 1) The superintendent 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 Article 5.5 of this ordinance.
- 2) The Superintendent may issue a wastewater discharge permit under Article 5.7 of this ordinance or modify an existing wastewater discharge permit under Article 6.4 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 (20%) or greater, and the discharge of any previously unreported pollutants.

7.6 Reports of Potential Problems

- 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 Superintendent 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 (5) days following such discharge, the user shall, unless waived by the Superintendent, 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 paragraph 1, above. Employers shall ensure that all employee, who may cause such a discharge to occur, are advised of the emergency notification procedure.

7.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

7.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-

four (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 Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user received the results of this sampling.

7.9 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 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 one hundred (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 wastestream expected to be discharge during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Article 7.5 of this ordinance. The notification required in this sections does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Articles 7.1, 7.3, and 7.4 of this ordinance.
- 2) Dischargers are exempt from the requirements of Paragraph 1, above, during a calendar month in which they discharge no more than fifteen (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 fifteen (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 a additional notification.
- 3) In the case of any new regulations under Section 3001 of RCRA, identifying additional characteristics of hazardous waste or listing an additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (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.

7.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in questions, sampling and analyses must be performed in accordance with procedures approved by EPA.

7.11 Sample Collection

- 1) Except as indicated in Section 2, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) 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, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

7.12 Timing

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.

7.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Superintendent.

ARTICLE 8

COMPLIANCE MONITORING

8.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- 1)Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- 2)The Superintendent shall have the right to set up on the user's property, or require installations of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- 3)The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated when deemed necessary to ensure their accuracy.
- 4)Any temporary or permanent obstruction to save and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- 5)Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

8.2 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Murray County Magistrate Court of Murray County, GA.

ARTICLE 9

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 Superintendent 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 Superintendent, 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. 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 4 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE 10

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent 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 twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) 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 thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceed 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 pollutants except Ph);
- 3) Any other discharge violation that the Superintendent 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 the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within ninety (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 thirty (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(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE 11

ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1 Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, as wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within ten (10) 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 Superintendent. 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 Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Consent Orders

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Articles 11.4 and 11.5 of this ordinance and shall be judicially enforceable.

11.3 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

11.4 Compliance Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

11.5 Cease and Desist Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- 1) Immediately comply with all requirements; and
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

11.6 Administrative Fines

- 1) When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- 2) The user shall be subject to having a lien filed against his property for all unpaid charges, fines, and penalties, after a ninety (90) day period.
- 3) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- 4) Issuance of any administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

11.7 Emergency Suspensions

The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever 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 Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- 1) A 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 Superintendent 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 Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Article 11.8 of this ordinance 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 Superintendent prior to the date of any show cause or termination hearing under Article 11.3 or 11.8 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

11.8 Termination of Discharge

In addition to the provisions in Article 6.6 of this ordinance, 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 characteristic 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 Article 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Article 11.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

ARTICLE 12

JUDICIAL ENFORCEMENT REMEDIES

12.1 Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Murray County Magistrate Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent 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.

12.2 Civil Penalties

- 1) A user who has violated, or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- 2) The Superintendent may recover reasonable attorney's 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.
- 3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- 4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

12.3 Criminal Prosecution

- 1) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.
- 2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- 3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring, device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

4) In the event of a second conviction, a user shall be punished by a fine of not more than \$3,000.00 per violation, per day, or imprisonment for not more than three (3) years, or both.

12.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent 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 Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

ARTICLE 13

SUPPLEMENTAL ENFORCEMENT ACTION

13.1 Performance Bonds

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

13.2 Liability Insurance

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13.4 Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code {Section 1-8 General Penalty and continuous violations Abatement Nuisance/Section 7-1 Abatement of Nuisance} governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

13.5 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.

ARTICLE 14

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1 Upset

1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and

temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- 2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph 3, below, are met.
- 3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - A) An upset occurred and the user can identify the cause(s) of the upset;
 - B) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - C) The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days:
 - (1) A description of the indirect discharge and cause of noncompliance;
 - (2) The period on noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- 4) In any enforcement proceeding, the user seeking to establish the occurrence of any upset shall have the burden of proof.
- 5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- 6) User shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article 2.4.1 of this ordinance or the specific prohibitions in Articles 2.4.2© through (Q) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- 1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- 2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

14.3 Bypass

- 1) For the purposes of this section,
 - A) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - B) "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

- 2) 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 operations. these bypasses are not subject to the provision of paragraphs 3 and 4 of this section.
- 3) (A) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
 - (B) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standard within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- 4)(A) Bypass is prohibited, and the Superintendent 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 paragraph 3 of this section.
- (B) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (4)(A) of this section.

ARTICLE 15

WASTEWATER TREATMENT RATES

The rates for wastewater treatment are set by the City for the following:

- 1) All expenses to maintain all building and equipment.
- 2) Manpower and maintenance to operate equipment.

The City reserves the right to increase or decrease rate as it feels necessary to recover cost of operations. The City may increase or decrease rates without prior notice.

ARTICLE 16

MISCELLANEOUS PROVISIONS

16.1 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- 1) Fees for wastewater discharge permit applications including the cost of processing such applications;

- 2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing user's discharge, and reviewing monitoring reports submitted by users;
- 3) Fees for reviewing and responding to accidental discharge procedures and construction;
- 4) Fees for filing appeals; and
- 5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

16.2 Severability

If any provision of this ordinance is invalidated by a court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

ARTICLE 17

EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Passed and adopted by the City of Chatsworth, Georgia on the _____ day of _____, _____.

Mayor

Attest:

Clerk

SEAL