

Chapter 38. UTILITIES*

ARTICLE II. WATER AND SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 38-41. Discontinuance of Water Service; Causes Generally.

No person supplied with water shall be allowed to use the water for any other purpose than that described in his application nor shall he supply water in any way to any other person without written consent of the city. For willful, unreasonable waste, concealment or neglect or violation of any of the rules of this article, the city reserves the right to stop the supply of water, and the consumer will forfeit the payments made for the current period. (Code 1968, §21-27)

Sec. 38-42. Continuous Running of Water Prohibited.

The water at faucets, water closets, urinals, baths or any other places must not be allowed to run to keep from freezing or for any other purpose. All unnecessary waste must be prevented. Water closets and urinals must be of the self-closing type. For a violation of this rule, the city may cut off the water supply without notice. (Code 1968, §21-28)

Sec. 38-43. Water System Cross Connection Control Program.

It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made; or allow one to exist for any purpose whatsoever. Any person whose premises are supplied with water from the city system, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Water/Sewer System, a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. Inspections will be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Building Inspector and Superintendent of the city water/sewer system. The Building Inspector and Superintendent of the Water/Sewer System or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Superintendent of the Water/Sewer System as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Building Inspector prior to installation and shall comply with the criteria set forth by the Superintendent of the Water/Sewer System. The installation shall be at the expense of the owner or occupant of the premises. The Building Inspector and the Water/Sewer Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Building Inspector or Superintendent of the Water/Sewer System or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the Superintendent of the Water/Sewer System shall notify, in writing, the occupant of the premises of

plans to discontinue water service and arrange for mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be bound by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Building Inspector and Superintendent of the Water/Sewer System. The Building Inspector and Superintendent of the Water/Sewer System or authorized representative shall have the right to enter at any reasonable time, any property served by a connection of the City Water/Sewer System for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, bypasses, or interconnection. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this ordinance shall be allowed six months to comply with the provisions of this section. Where the nature of use of the water supplied a premises by the Water/Sewer Department is such that is deemed:

- (1) Impractical to provide an effective air gap separation.
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered or disconnected.

The potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

Minimum acceptable sign shall have black letters one inch high located on a red background.

Any person who neglects or refuses to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction therefore, shall be punished in accordance with the general penalty provision of the Code of the City of Elberton. In addition to the foregoing fines and penalties, the Water/Sewer Department shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued. (Ord. No. 1074, §1, 11-6-95)

Secs. 38-44 – 38-55. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 38-56. Water and Sewer Rates.

(a) Water Rates. For water furnished consumers by the city, the charges shall be set from time to time by the Mayor and Council and a schedule of such fees is on file and available in the city offices.

(b) Sewer Service Charge. A monthly sewer service charge based on consumption shall be set from time to time by the Mayor and Council. (Code 1968, 21-34)

Sec. 38-57. Fees and Taps to City Water and Sewer Mains.

The schedule of fees and taps for water and sewer services shall be set forth from time to time by the Mayor and Council. (Code 1968, §21-35)

Sec. 38-58. Fees and Requirements for Irrigation Meters.

(a) Water meters used solely for irrigation will require the same tap fees and water rates as required for consumers inside and outside the Corporate Limits.

(b) A fee of \$25.00 will be charged each time a service meter is connected or disconnected.

(c) In cases where an irrigation meter is installed and a standard meter exists and that customer or place of business has sewer service provided by the city, the 15 percent allowance for irrigation shall be waived and sewer charges shall be at 100 percent of the bill for the regular water meter. This sewer rate shall not be lowered for seasonal irrigation meter cut-offs.

(d) The city water department makes no guarantees and assumes no responsibility for the performance and operation of any irrigation or lawn watering devices.
(Ord. No. 1052, §1, 12-5-94)

Secs. 38-59—38-70. Reserved.

DIVISION 3. EXTENSION OF MAINS

Sec. 38-71. To Developed Areas in City.

(a) The water system of the city may be expanded by the extension of mains into already developed areas within the city where it is economically feasible and when financing is available. The economical feasibility shall be determined as follows: The expenditure of \$50.00 per existing customer to be served will be considered as economical for the cost of water mains, where the total cost is to be paid by the city.

(b) In areas where the cost of the extension and construction of a main exceeds the \$50.00 per existing customer allowable, extensions may be made, provided the person desiring service shall petition for service and shall agree to pay the difference in the actual cost of the extension and the credit for the per customer allowance as established by the Council from time to time as the \$50.00 set in this section.

(c) The persons paying the difference in cost of extension shall be refunded \$50.00 per customer connected to the extension within one year after the completion of the extension.
(Code 1968, §21-41)

Sec. 38-72. To Undeveloped Areas and Newly Developed Areas in City.

(a) The water system of the city may be expanded by the extension of mains through an undeveloped area or into a new development within the city where it is determined economically feasible and financing is available. The economical feasibility shall be determined after consideration of the following items and requirements:

- (1) The persons requesting service shall first furnish a complete and approved engineering layout of the entire area or development.
 - (2) The engineering section of the water and sewer department shall determine the required layout and size of all mains.
 - (3) The extension shall be considered as all mains required from the existing city mains through the undeveloped area and throughout the new development.
- (b) If the service or extension is determined feasible, the cost of constructing such mains and facilities shall be as follows: The person requesting service or extension shall have such mains and facilities constructed in accordance with city standards and specifications, or they may contract with the city for such construction.

(c) At such time as the water mains for any extension are completed, approved and accepted by the city water department, the new mains and facilities automatically become the property of the water department, whether paid for by the city or in part or totally by persons requesting service.

(d) When the main extensions and facilities are paid for in full by the person requesting service, such requesting person shall be reimbursed by the water revenue fund in the following manner:

- (1) For each water customer connected to the extension during construction or within one year immediately following construction, a refund of \$50.00 for each customer will be made.
- (2) For each customer connected to the extension during the second year after construction, a refund of \$37.50 for each customer will be made. For each customer connected to the extension during the third through the fifth year after construction, a refund of \$25.00 for each customer will be made.

(Code 1968, §21-42)

Sec. 38-73. Outside City.

(a) The water system of the city may be expanded by the extension of water mains outside the present city limits where it is determined feasible both economically and from design and engineering standpoint. An extension outside the city limits will be considered only after the persons requesting service first furnish a complete engineering layout that meets city requirements and has been approved by the City Planning Commission in the same manner a developments that are within the city limits.

(b) Should the extension be determined feasible, persons requesting service or extension shall have such mains and facilities constructed in accordance with city standards and specifications, or they may contract with the city for such construction.

(c) The total cost of constructing such mains and facilities shall be paid in full by the persons requesting service, and no refunds shall be made.

(d) At such time as the water mains for any extension outside the city limits are completed, approved and accepted by the city water department, the new mains and facilities shall automatically become the property of the water department.

(e) Requests for extension of water mains outside the city to meet the requirements of industry shall be considered by the City Council on an individual basis. Each request for such extension shall be considered on its own merits, and if the request is granted, a plan of financing will be decided upon at that time in view of the circumstances submitted to Council. Reimbursements, if any, will be determined by Council in view of all existing circumstances.

(Code 1968, §21-43)

Sec. 38-74. Sewer Mains Inside City.

(a) The sewer system of the city may be expanded by the extension of sewer mains within the City Limits when determined feasible from an economical and engineering standpoint.

(b) The person requesting sewer service shall first furnish a complete and approved engineering layout of the area to be served. The engineering section of the water and sewer department shall determine the required layout and size of all sewer mains.

(c) If the service is determined feasible, the cost of constructing such mains and facilities shall be paid as follows: The person shall enter into a contract with the city for such construction and shall pay 50 percent of the total cost of materials and labor, and the city shall pay the remaining 50 percent of the cost.

(d) When sewer service lines must be located under the public property and/or streets and roads, the service lines will be installed by city crews or contracted for by the city and the cost of such service lines shall be borne on an equal 50/50 basis by the city and by the sewer customer. Routine maintenance of these service lines shall be the responsibility of the customer. If the service line becomes unusable, (more than two stoppages in a 12 month period), then the city will install a new service at the customer's request under the terms as described above.

(e) When sewer service lines outside the city limits must be located under public property and/or streets and roads, the service lines will be installed by city crews or contracted for by the city. The cost of such service lines shall be borne entirely by the customer, and a capacity charge shall be determined and made by the Sewer Superintendent. Routine maintenance of these service lines shall be the responsibility of the customer. Replacement of these service lines shall be on the same basis as described above in subsection (d).

(Code 1968, §21-44; Ord. No. 1082; §1, 1-8-96)

Sec. 38-75. Reimbursement Limited.

In no event shall the amount of reimbursement to the persons making the original payment under this article be more than 100 percent of their original investment for the water mains and facilities. (Code 1968, §21-45)

Sec. 38-76. Size of Mains.

The city reserves the right to determine the size of the water and sewer mains to be installed, but in no event shall the water main be less than two inches in diameter and the sewer main less than six inches in diameter.

(Code 1968, § 21-46)

Secs. 38- 77 – 38-99. Reserved

DIVISION 4. SEWER USE.

Subdivision I. In General

Sec. 38-100. Purpose and Policy for Sewer Use Regulations.

(a) Compliance with State and Federal Water Pollution Control Laws. This division sets forth uniform requirements for persons who cause wastewater to be discharged into the wastewater collection and treatment system of the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act, as amended, and the General Pretreatment Regulations (40 CFR Part 403). The federally mandated, objectives of this division are to prevent the introduction of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge; to prevent the introduction of pollutants into the city wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; to improve the opportunity to recycle and reclaim wastewater and sludge from the system; and to provide for equitable distribution of the cost of the city wastewater system.

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

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

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-101. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used for the purpose of guidance in this division, shall have the meanings hereinafter designated, but are not intended to be exclusive definitions.

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

Ammonia (NH₃): A colorless gaseous alkaline compound of nitrogen and hydrogen that is very soluble in water.

Approval Authority: The Director of the Georgia Environmental Protection Division.

Authorized Representative of the User.

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, corporation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the use 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 subsections (1) through (3) above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Biochemical Oxygen demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building Drain: That part of the piping of a building, which collects wastewater inside the walls of the building and conveys it to outside the building wall.

Building Sewer: The extension from the building drain to the public sewer or other point of acceptance also called "house connection". Proper maintenance of this service line is the owner's responsibility from the building drain to the point of acceptance which is the sewer main.

Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

City: City of Elberton, Georgia.

City Manager: City Manager or his/her designee.

Customer: Every person, firm, association, corporation, government agency, or similar organization who is responsible for contracting (expressly or implicitly) with the city in obtaining, having or using water or wastewater connections with, or sewer taps to the city wastewater system and in obtaining, having or using water or other related services furnished by the city for the purpose of disposing of wastewater through said system. The term customer shall also include illicit users of the water or wastewater systems.

Composite. The makeup of a number of individual samples, so taken as to represent the nature of sewage or industrial wastes.

Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the State of Georgia.

Domestic Wastewater: That wastewater discharged into the wastewater system from domestic sources such as toilets, washing machines, dishwashers, sinks, showers, and bathtubs from normal household usage.

Easement: An acquired legal right for the specific use of land owned by others.

Effluent: The discharge flow of a treatment facility.

Environmental Protection Agency or EPA: The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing Source: Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Federal Categorical Pretreatment Standard or Federal Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users. Categorical standards appear in 40 CFR, Chapter 1, Subchapter N. Parts 405-471.

Floatable Oil and Grease: Oil, fat or grease in a physical state such that it will separate by flotation from wastewater by treatment in an approved pretreatment facility or sand and oil/grease interceptor.

Flush Toilet: The common sanitary flush commode in general use for the disposal of human excrement.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Governing Body: The Mayor and Council of the City of Elberton, Georgia.

Grab Sample: A sample, which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Grit: Matter consisting of sand, gravel, cinders or other heavy solid materials that has settling velocities or specific gravities greater than those of organic putrescible solids normally encountered in domestic wastewater.

Health Department: Elbert County Health Department.

High Strength Wastewater: Wastewater, which contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater.

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

House Connection: Same as the “building sewer”.

Indirect Discharge or Discharge: The introduction of pollutants into the POTW from any non-domestic source regulated under Sec. 307(b), (c), or (d) of the Act.

Industrial Customers: Persons, who on account of their particular type of business activity, discharge into the city sanitary sewerage system an unusual amount or unusual type of sewage which present special problems in sewage disposal and sewage treatment.

Industrial User or Contributor: An industry which discharges waste waters having the characteristics of industrial wastes, as distinct from commercial wastes or domestic wastes.

Infiltration/Inflow: Groundwater and surface water which leaks into the wastewater system through cracked pipes, joints, manholes, or other openings.

Inflow: Water that flows into the wastewater system from the surface, streams, roof drains, down spouts or other such source.

Instantaneous Maximum Allowable Discharge Limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city’s NPDES permits or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title 11 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in tiny State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection; Research, and Sanctuaries Act.

Main: The pipe, conduit, or facility, which conveys utility service to individual services or to other mains.

Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Meter: Any device used to measure service rendered to a customer by the city.

National Pollution Discharge Elimination System or NPDES Permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Natural Outlet: Any outlet, including storm sewers, watercourses, ponds, ditches, lakes or other bodies of surface water or groundwater.

New Source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water: Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-domestic User: Any user of the city wastewater system who discharges wastewater into the wastewater system from a structure other than a residential user.

Non-domestic Wastewater: The wastewater generated from non-domestic users as distinct from domestic or sanitary wastes.

Ordinance: This sewer use ordinance, as amended, including any future codification thereof by City of Elberton.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permits, including an increase in the magnitude or duration of a violation.

Person: Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH: The logarithm (base 10) of the reciprocal of the molar concentration of hydrogen ions, in solution.

Phosphorus (P): An element that appears in wastewater in different forms and serves as an essential element for biological growth.

Pit Privy: Shored, vertical pit in the earth used for the disposal of human or animal wastes.

Point of Acceptance: For sewer systems, the point of acceptance is the point at which the city's piping connects with the customer's piping commonly called the "tap".

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological material, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution: The man-made or man-induced detrimental alteration of the chemical, physical biological, and radiological integrity of water or soil, or the products, which create or cause such alteration.

POTW Treatment Plant: That portion of the publicly owned treatment works (POTW) designed to provide treatment to wastewater.

Pretreatment Coordinator: The person designated by the city to supervise the operation of the industrial program.

Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on a non-domestic user.

Pretreatment Standards or Standards: Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Pretreatment or Treatment : The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes or other means, except as prohibited by 40 CFR Sec. 403.6(d).

Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 38-110 of this division.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Sec. 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant; list 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 person outside the city who are by contract agreement with the city, users of the city's POTW.

Public Sewer: A common sewer controlled by a governmental agency or public utility; in this case, the City of Elberton.

Sanitary Sewer or Sewer: A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

Septic Tank: A surface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe with the joints sealed connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

Service Connection: The point of connection of the customer's piping with the meter or service pipe owned by the city.

Service Lateral: The pipe between the utility's mains and the point of delivery and shall include all of the pipe, fittings, and valves necessary to make the connection excluding the meter.

Sewage: A combination of the water-carried wastes from residences, businesses, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewer: A pipe or conduit that carries wastewater.

Significant Industrial User:

- (1) A user subject to categorical pretreatment standards; or

- (2) A user that:
- a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact coolant, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time; on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug Load or Slug: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this division.

State: State of Georgia.

Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

Standard Methods: Those procedures or methods established by the latest edition of the "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, a copy of which is on file in the office of the City Manager or his/her designee.

Storm Drain: Sometimes termed storm sewer, it shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

Storm Water: Any flow occurring during or following any form of natural precipitation and resulting there from.

Surcharge: The payment made by an industrial user for the discharge of any wastewater into the City of Elberton collection and treatment system in excess of the plant design levels. The surcharge assessment will only be based on the concentration in excess of these levels. The total wastewater user charge shall then be the normal wastewater user charge as defined in this section plus the surcharge.

Suspended Solids or Total Suspended Solids (TSS): 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 non-filterable residue.

Toxic: Constituents of wastes which adversely affect the organisms involved in wastewater treatment.

Unpolluted Water: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

User: Any person who contributes, causes or permits the discharge of wastewater into the city wastewater system.

Wastewater: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institution whether treated or untreated, which are contributed to the POTW.

Wastewater System or City Wastewater System: The total wastewater collection and disposal facilities including wastewater pollution control plants owned and operated by the city. Also the administrative framework which operates the facilities.

Wastewater User Charge: The charges established annually by the City of Elberton through which each sanitary sewer user pays for the use of said sewer to dispose of this wastewater. The total sewer user charge is the sum of the wastewater user charge plus the surcharge as defined in this section.

Water Meter: Those devices, approved by the city for the purpose of establishing the quantity of water consumed by a premise or person.

Water System or City Water System: The total water distribution facilities owned and operated by the city. Also the administrative framework which operates the facilities.

Watercourse: Shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the State: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-102. Abbreviations.

(a) The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams

mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O & M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
psi	Pounds per Square Inch
SIC	Standard Industrial Classification
TSS	Total Suspended Solids
USC	United States Code

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-103, Sewage and Waste Disposal; Impoundment of Surface Waters.

It shall be unlawful to use any waters of the state for the disposal of sewage; industrial wastes, or other wastes, or to withdraw, divert, or impound any surface waters of the state, except in such a manner as to conform to and comply with Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-104. Connection to Public Water and Wastewater Systems Required; Septic Tanks and Individual Sewage Management Systems; Certificate of Occupancy.

(a) In the interest of the public health, sanitation and general welfare, all buildings and structures located within the city, of every nature, use and design, intended for human occupancy, shall have a proper source of potable drinking water and sewage disposal. Buildings and structures accessible to a public water system and/or a public sanitary sewer system shall be properly connected on or into such systems prior to issuance of a certificate of occupancy.

(b) No permit for the construction of any residence, building or other facility which cannot be served by public sanitary sewer shall be issued, and no certificate for the use and occupancy for any existing residence, building or other facility which cannot be served by public sanitary sewer shall be issued, unless a septic tank or individual sewage management system permit has been issued by the Board of Health in conformity with any state-wide minimum standards for sewage management systems and the regulations of the Board of Health then in force and effect.

(c) It shall be unlawful for any person to construct, maintain, or permit to exist upon their property any privy, privy vault, cesspool, or other facility intended for use or disposal of human excrement, and the existence thereof is hereby declared a public nuisance, abatable in accordance with the provisions of the City code.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-105. Duty of owner and occupant to properly operate and maintain septic tanks and other permitted individual sewage management systems.

(a) It shall be the duty of the property owner and any person occupying private property under lease or by permission of the owner, on which is located a building or structure intended for human occupancy whose sole means of sewage disposal is a septic tank or individual sewage management system, to properly operate and maintain such system in good working condition, free of odor, at all times.

(b) In addition to the enforcement provisions of this division, continued violation of this section shall constitute grounds for discontinuance or revocation of any permit issued for such

system and for revocation or suspension of any certificate of occupancy for the building or structure served.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-106. Connection to Public Sewer required upon failure of septic tank or individual sewage management system.

(a) At such time as public sanitary sewer becomes accessible in those areas where existing buildings or structures intended for human occupancy are currently served by septic tanks or individual sewage management systems, upon the failure of such septic tank or individual sewage management system, use of such system shall be discontinued and no permit shall be issued for maintenance or bringing the system into compliance, and the property owner shall cause the building or structure to be connected to the public sanitary sewer system.

(b) Abandoned septic tanks and individual systems shall either be removed by the owner or filled with suitable material so as not to constitute a hazard or nuisance.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-107. Separate Building Sewers Required.

A separate building sewer shall be provided for every building and structure intended for human occupancy and accessible to the public sanitary sewer system, unless for good cause shown the City Manager or his/her designee issues a written permit to allow more than one building or structure to be connected on a common building sewer.

Sec. 39-108-38-109. Reserved.

Subdivision II. Non-Domestic (Industrial, Commercial, Institutional) Use of Public Wastewater Facilities

Sec. 38-110. Prohibited Discharges for Non-Domestic (Industrial, Commercial, Institutional) Use of Public Wastewater Facilities.

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21 as amended or replaced.
- (2) Wastewater having a pH less than 5.5 or more than 9.5 or otherwise causing corrosive structural damage to the POTW or equipment.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the sewer system or POTW resulting in interference.

- (4) Pollutants, including oxygen-demanding pollutants (BOD), etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 150 degrees F (65 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).
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants except at discharge points designated by the City Manager or his/her designee in accordance with section 38-122 of this division.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permits.
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the City Manager or his/her designee.
- (13) Sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Medical wastes, except as specifically authorized by the City Manager or his/her designee in a wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent or any single reading over ten percent of the lower explosive limit of the meter.
- (19) The following pollutant limits are established to protect against process interference, stream standards violation, or sludge contamination. Discharges by users of the collection and treatment system are limited such that the concentrations of specific pollutants measured at the point of discharge into the collection system do not exceed concentrations specified below.

(c) No user shall discharge wastewater, which exceeds the following daily maximum limits (all numbers shown in milligrams per liter, mg/l):

Pollutant Parameter	City of Elberton Sanitary Sewer Limit (mg/l)
Biochemical Oxygen Demand (BOD ₅)	750
Total Suspended Solids	750
Ammonia (as N)	50
Cadmium	5.0
Chromium (Total)	3.0
Copper (Total)	3.0
Nickel	0.1
Selenium	0.51
Silver	5.0
Tin	5.0
Zinc	3.0
Cyanide	0.0
Phenol	0.5

(d) Pollutants substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-111. Federal and State Requirements.

(a) Any laws or regulations promulgated by the State of Georgia relative to the construction or use of wastewater facilities, which are stricter than the regulations provided in the City Code are incorporated herein by reference, and such regulations shall be enforced by the city.

(b) Federal pretreatment standards. The federal government has adopted regulations governing wastewater discharges from industries into POTWs. These federal regulations are generally referred to as the federal pretreatment standards, as set forth 40 CFR Part 403, or the federal categorical pretreatment standards, as set forth in 40 CFR Parts 405-471. Any portion of these

federal standards, as amended or replaced, which are stricter than the regulations provided in the City Code are incorporated herein by reference, and such regulations will be enforced by the city. (Ord. No. 2117, §1, 7-7-03)

Sec. 38-112. Wastewater Pretreatment Permit Application.

(a) All non-domestic users shall, upon the request of the City Manager or his/her designee, complete and submit to the City Manager or his/her designee a wastewater pretreatment permit application. The wastewater pretreatment permit application shall be on a form provided by the City Manager or his/her designee and shall be used for the purpose of determining whether the industry is a "significant industrial user", issuing a permit and for other purposes. The wastewater pretreatment permit application shall include the following information, at a minimum.

- (1) Name, address, location, if different from the address.
- (2) SIC number according to the Standard Industrial Classification Manual, U. S. Office of Management and Budget, 1987 as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those shown in section 38-110 of this division.
- (4) Time and duration of contribution.
- (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
- (7) Description of activities, facilities, and plant process on the premises, including all materials which are or could be discharged.
- (8) Each product produced by type, amount, process or process and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (11) Any other information as may be deemed by the city to be necessary to evaluate the permit application.
- (12) All wastewater discharge permit applications and user reports must be signed by the user or an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (13) The City Manager of his/her designee will evaluate the data furnished by the user and may require additional information.
 - (b) Industrial wastewater pretreatment permit fees: In addition to any other rates, fees, charges, and penalties authorized by law, the Council may adopt reasonable industrial wastewater pretreatment permit fees for reimbursement of various costs related to the pretreatment program. The fee for an industrial pretreatment permit will be due at the time application is made to the city.
- (Ord. No. 2117, §1, 7-7-03)

Sec. 38-113. Wastewater Pretreatment Sampling and Testing Procedures.

(a) Sampling Procedures:

- (1) Except as indicated in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City Manager or his/her designee may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, hexavalent chromium, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) Testing Procedures.

- (1) All wastewater monitoring samples required by the city shall be tested by an independent laboratory for the parameters required, with the results submitted to the city on the original laboratory report sheets.
- (2) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, or in accordance with any applicable EPA testing procedure of general acceptance in the chemical testing industry, provided, however, that all such analyses shall be determined in accordance with the requirements of 40 CFR 136, which requirements shall prevail in the event of conflict.

- (3) The cost(s) incurred for testing shall be the responsibility of the customer.
- (Ord. No. 2117, §1, 7-7-03)

Sec. 38-114. Significant Industrial Users.

(a) Sampling manhole. In order to provide for accurate sampling and measurement of industrial wastes, each significant industrial user (as defined in section 38-101) shall provide and maintain, on each of its industrial waste outlet sewers, a monitoring station to be located outside the plant. If inside the plant fence, there shall be a gate near the sampling manhole with a key furnished to the city. In accordance with the City of Elberton Water and Sewer Specifications, there shall be ample room provided in each monitoring station to enable convenient inspection and sampling by the city, or its agent.

Also a parshal flume and a 110 volt electrical outlet may be required to allow for composite sampling. In certain monitoring stations where noxious fumes may accumulate the city may require a fume exhaust system to protect the life and health of the city employees who are required to enter the monitoring station. The fume exhaust system should extract the fumes from the bottom of the station and provide not less than one air change per minute.

(b) It shall be unlawful for any significant industrial user, as determined under this division, to discharge wastewater into the city wastewater system without a city issued discharge permit. (Ord. No. 2117, §1, 7-7-03)

Sec. 38-115. Discharge Permits.

(a) All significant industrial users proposing to connect to or to contribute to the city wastewater system shall obtain a wastewater discharge permit before connecting to or contributing to the city system.

(b) The following application process will be used to issue discharge permits:

- (1) When requested to do so by the City Manager or his/her designee, all significant industrial users shall complete and file with the City Manager or his/her designee an application for a permit accompanied by a non-refundable fee as set by resolution of the Council, from time to time. Existing users shall apply for a discharge permit within 60 days of notification by the City Manager or his/her designee that a discharge permit is required. Proposed new users shall make application not less than 90 days prior to connecting to or contributing to the city wastewater system. The completed wastewater pretreatment permit application described in section 38-112 will serve as application for a discharge permit.
- (2) The City Manager or his/her designee will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the City Manager or his/her designee will determine whether or not to issue a wastewater discharge permit. The City Manager or his/her designee may deny an application for a wastewater discharge permit, in writing, stating the reasons for denial.
- (3) Any aggrieved user, whose permit application has been denied, may petition the City Manager or his/her designee to reconsider the terms of a wastewater discharge permit within 30 days of notice of its denial.
 - a. Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal. The petition shall set forth all grounds of alleged error upon which the permit denial was based.
 - b. If the City Manager or his/her designee fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit denial shall be considered final administrative actions for purposes of judicial review.
 - c. Aggrieved users seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition for writ of certiorari in the Elbert County Superior Court.

(c) The City Manager or his/her designee may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the authority's POTW, authority personnel or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(d) Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges and fees established by the city. Permits must contain, at a minimum, the following:

- (1) A statement that indicates wastewater discharge duration, which in no event shall exceed five years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (e) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law; and
- (5) A statement of applicable sanctions for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not

extend the time for compliance beyond that required by applicable federal, state, or local law.

- (6) Wastewater discharge permits may also contain but need not be limited to the following conditions:
 - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - h. Other conditions as deemed appropriate by the City Manger or his/her designee to ensure compliance with this division, and state and federal laws, rules and regulations.

(e) Permits shall be issued for a period as determined by the city, not to exceed five years and shall bear a stated expiration date. It shall be the responsibility of the permittee to apply for permit renewal a minimum of 60 days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified as identified in subsection (c) above, are modified, conditions change, or other just cause exists. The permittee shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the City Manager or his/her designee and the City Manager or his/her designee approves the wastewater discharge permit transfer. The notice to the City Manager or his/her designee 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) Acknowledge full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(g) Suspension, revocation or denial.

- (1) When the City Manager or his/her designee has reason to believe that any one of the conditions enumerated in subsection (2) below exists, he shall give written notice thereof to the permittee. Said notice shall set forth the time and place where the charges shall be heard by the City Manager or his/her designee. The hearing date shall not be less than 15 days from the mailing of such notice by certified mail to the permittee at the address shown on the permit or at permittee's last known address. At the hearing, the permittee shall have an opportunity to refute the allegations set forth in the proposed permit revocation notice. If after the hearing the City Manager or his/her designee finds that any one of the conditions hereinafter enumerated in subsection (2) below, exists, he shall have the right to suspend, revoke, or deny the permit.
- (2) Any of the following is reason for permit suspension, revocation or denial:
 - a. Failure to notify the City Manager or his/her designee of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the City Manager or his/her designee of changed conditions pursuant to section 38-116 of this division;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;
 - f. Refusing to allow the City Manager or his/her designee timely access to the facility premises and records;
 - g. Failure to meet effluent limitations;
 - h. Failure to pay fines;
 - i. Failure to pay sewer charges;
 - j. Failure to meet compliance schedules;
 - k. Failure to complete a wastewater survey or the wastewater discharge permit application;

- I. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-116. Discharge Permit Reporting Requirements.

(a) Baseline Monitoring Reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City Manager or his/her designee a report which contains the information listed in subsection (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City Manager or his/her designee a report which contains the information listed in subsection (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below:

- a. Identifying Information. The name and address of the facility, including the name of the operator and owner.
- b. Environmental Permits. A list of any environmental control permits held by or for the facility.
- c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e) as amended or replaced.
- e. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each regulated process.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City Manager or his/her designee, of regulated pollutants in the discharge from

each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass where required shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 38-113 of this division.

3. Sampling must be performed in accordance with procedures set out in section 38-113 of this division.
- f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. Compliance Schedule. If additional pretreatment and/or operations and maintenance will be required to meet the pretreatment standards, the user shall submit a schedule to provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 38-116(b) of this division.
- h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with section 38-112 of this division.

(b) Compliance Schedule Program Reports. The following conditions shall apply to the compliance schedule required by subsection 38-116(a)(2)g. of this division.

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) The user shall submit a progress report to the City Manager or his/her designee no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (3) In no event shall more than nine months elapse between such progress reports to the City Manager or his/her designee.

(c) Periodic Compliance Reports:

- (1) All significant industrial users shall, at a frequency determined by the City Manger or his/her designee but in no case les than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance

reports must be signed and certified in accordance with section 38-112 of this division.

- (2) All other users who have been issued discharge permits are required to submit compliance reports at the intervals set forth in each user's individual permit. The compliance reports shall address the discharge parameters and all other information indicated as being necessary to report as shown in the user's permit.
 - (3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
 - (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the City Manager or his/her designee, using the procedures prescribed in section 38-113 of this division, the results of this monitoring shall be included in the report.
- (d) 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 requirement shall submit to the City Manager or his/her designee a report containing the information described in section 38-116(a)(2)d—f of this division. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) as amended or replaced, 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 or operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 38-112 of this division.
- (e) Reports of Changed Conditions. Each user must notify the City Manager or his/her designee of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.
- (1) The City Manager or his/her designee may require the user to submit such information as may be deemed necessary to evaluate the changed condition including the submission of a wastewater discharge permit application under section 38-115 of the division.
 - (2) The City Manger or his/her designee may issue a wastewater discharge permit under section 38-115 of this division or modify an existing wastewater discharge permit under section 38-115 of this division in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.
- (f) Reports of Potential Problem, including Slug Loading.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City Manager or his/her designee of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - (2) Within five days following such discharge, the user shall, unless waived by the City Manager or his/her designee, 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 division.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1), above. Employees shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (g) Reports From Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City Manager or his/her designee as the City Manager or his/her designee may require in writing.
- (h) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the City Manager or his/her designee within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager or his/her designee within 30 days after becoming aware of the violation. The user is not required to resample if the city monitors at the user's facility at least once a month, or if the city samples between the user's initial sampling and when the user receives the results of this sampling.
- (i) Notification of the Discharge of Hazardous Waste.
- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for

each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection 38-116(e) of this division. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections 38-116(a), (c) and (d) of this division.

- (2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) as amended or replaced. Discharge of more than 15 kilograms of non-acute 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) as amended or replaced, requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new regulations under Section 3001 of RCRA as amended or replaced identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City Manager or his/her designee, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
 - (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law
- (j) All sampling and testing performed under this subsection for reporting requirements shall be conducted in accordance with Section 38-113.
- (k) Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-117. Discharge Permit Maintenance of Records.

- (a) Sampling and Testing Records. Any permitted user subject to the reporting requirements established in section 38-116 shall maintain records of all information resulting from any monitoring activities. Such records shall include for all samples;
- (1) The date, exact place, method and time of sampling and names of the person or persons taking the samples;
 - (2) The dates analyses were performed;
 - (3) The name of the person(s) who performed the analysis;

- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(b) **Monitoring Activities and Records of Results.** Any permitted user subject to the reporting requirements established in section 38-116 shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this ordinance) and shall make such records available for inspection and copying by the city, state, or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the permitted user or when requested by the city, state, or EPA.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-118. Regulation of Waste received from other Jurisdictions.

(a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city may enter into an intergovernmental contract with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a) above, the City Manager or his/her designee 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 City Manager or his/her designee may deem necessary.

(c) An intergovernmental contract, as required by paragraph (a), above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance, which is at least as stringent as this ordinance, and local limits, which are at least as stringent as those, set out in section 38-110 of this division. 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.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-119. Industrial Pretreatment Facilities.

(a) All users shall provide necessary wastewater pretreatment as required to comply with the limitations and provisions contained in this division and to achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans prepared by a registered professional engineer showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city prior to commencement

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

(b) The timing of construction and operation of pretreatment as required hereby shall be in accordance with the compliance schedules provided by the city as described in subsection 38-116(b); however, the city shall also have the authority to issue compliance schedules independent of the permitting process and such compliance schedules may be enforced by the city as provided in the enforcement and penalties section of this division.

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

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

(e) The City Manger or his/her designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(f) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. No. 2117, §1, 7-7-3)

Sec. 38-120. Sand and Oil/Grease Interceptors.

(a) Requirement for:

(1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors or traps. Additionally any user who generates a wastewater which contains greater than the quantity of oil and grease regulated under this article, and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap, then said user will be required to install a grease/oil interceptor.

(2) All users whose wastewater stream is associated with unusually large quantities or grit, sand or gravel shall be required to install, operate and maintain a sand/grit trap. All car/truck wash systems and poultry hatcheries shall be required to install a sand/grit trap. Their design and installation shall be approved by the city in accordance with the requirements set forth in section 38-119 of this Code.

(3) The requirements of this division shall not apply to private living quarters or dwelling units.

(b) Design Criteria.

- (1) For restaurants and other eating establishments. All sand and oil/grease interceptors used in conjunction with restaurants or other eating establishments shall have a capacity of 15 gallons per seat, except that no grease trap shall be smaller than 750 gallons or larger than 3,000 gallons.
 - (2) For facilities other than eating establishments. All sand and oil/grease interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight hour flow rate, flow-through velocities shall not exceed one foot per second at the peak eight hour flow rate.
 - (3) Where such parameters have not been otherwise set forth herein, all sand and oil/grease interceptors shall be sized, located and constructed in accordance with the provisions of the Georgia State Minimum Standards Plumbing Code adopted by the City of Elberton in conjunction with the Georgia Uniform Codes Act.
- (c) Maintenance by the Owner.
- (1) All grease, oil and sand/grit interceptors or traps shall be maintained by the user at their expense, in continuously efficient operation at all times.
 - (2) Maintenance of grease traps: Maintenance shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of grease and oils, as required by the "30 percent rule" as defined in paragraph (4) below, and at intervals no less than annually.
 - (3) It is specifically prohibited to maintain grease traps by bacteriological, chemical, or enzymatic addition or treatment.
 - (4) The "30 percent rule" requires that the depth of oil and grease (floating and settled) in a trap shall not be equal to or greater than 30 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the trap. In application of this rule, the depth of floating oil and grease shall not be greater than 25 percent of total operation depth of a trap since five percent of the oil and grease is generally settled at the bottom of the trap.
 - (5) The user shall be responsible for the proper removal and legal disposal of the grease trap waste. Any removal and hauling of the collected materials not performed by the owner's employees must be performed by currently licensed waste disposal firms. All material shall be disposed of at a facility permitted to receive such waste. Under no circumstances shall the collected materials ever be returned to the wastewater system.
 - (6) Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids. Top skimming of outdoor grease traps, decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume to be hauled is prohibited. Further, the discharge of liquid, semi-solids, or solids into a grease trap from vehicles after servicing is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the grease trap or into the wastewater collection system.
 - (7) Record keeping requirement. The user shall be responsible for maintaining records (manifests) as to the dates of service, quantity of waste removed, end disposal site of

waste, and waste hauler. These records shall be kept on-site at the user's location for a period of three years and subject to the City Manager or his/her designee's review without prior notification. The manifest shall include the items listed below:

Name of Facility;
Address;
Telephone Number;
Trap Type and Size;
Authorized signature verifying that grease trap was cleaned and in operable condition;
Date of Service;

Waste Hauler Name, Address and Telephone Number;
Hauler Permit Number;
Total gallons removed from the Grease Trap;
Disposal Method;
Authorized Signature and Date of Service;
Disposal Site Name, Address and Telephone Number;
Facility Permit Number;
Total Gallons Received;
Authorized Signature and Date of Disposal.

- (8) In addition to record keeping requirements above, as materials are removed, the manifests from haulers are required to be sent to the City Manager or his/her designee within 30 days of removal at:

City of Elberton
234 North McIntosh Street
Elberton, Georgia 30635

(d) Notice of Non-Compliance: Whenever the City Manager discovers a violation of the 30 percent rule, or of the plans or specifications submitted and approved there under, a written notice shall be served by the City Manger upon the person responsible for directing discontinuance of such illegal action and the remedying of the condition that is in violation of the Elberton Sewer Use Ordinance.

(e) [Inspections] The City Manager shall designate appropriate personnel to periodically inspect interceptors to ensure compliance with requirements set forth in this Code. The City Manager or his/her designee shall have the right to direct and conduct inspections as described in the provisions of section 38-140 of this division.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-121. Discharge Permit Holders that have Accidental Discharges.

(a) Protection against. Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Additionally, any person or industry which handles hazardous wastes, any priority pollutant as shown on the EPA list, or any prohibited materials shall, upon the request of the city, provide proof of protection from accidental discharge of hazardous wastes, priority pollutants, or prohibited materials. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans prepared by a registered professional engineer showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facilities. All existing users shall complete such a plan within 90 days after the effective date of this division. Construction shall be completed within 180 days of approval of plans by the city. No significant

industrial user who commences contribution to the city wastewater system after the effective date of this division shall be permitted to introduce pollutants into the system until accidental discharge procedures and facilities (if required) have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this division.

(b) Notification of accidental discharge shall be in accordance with subsection 38-116(f) of this division.

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

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City Manager or his/her designee of any accidental or slug discharge; as required by section 38-116 of this division; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-122. Hauled Wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the City Manager or his/her designee and at such times as are established by the City Manager or his/her designee. Such waste shall not violate any section of this division or any other requirements established by the city. The City Manager or his/her designee may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The City Manager or his/her designee shall require haulers of industrial waste to obtain wastewater discharge permits. The City Manager or his/her designee may require generators of hauled industrial waste to obtain wastewater discharge permits. The City Manager or his/her designee also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.

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

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck

identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
(Ord No. 2117, §1, 7-7-03)

Sec. 38-123. Pretreatment Facility Affirmative Defenses to Discharge Violations.

(a) Bypass. For the purposes of this section.

(1) “Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment facility.

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

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

(c) Notice of bypass needed.

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City Manager or his/her designee at least ten days before the date of the bypass, if possible.

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

(d) Bypass is prohibited, and the City Manager or his/her designee 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 backup 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 preventative maintenance; and

(3) The user submitted notices as required under subsection (c) of this section.

(e) The City Manager or his/her designee may approve an anticipated bypass, after considering its adverse effects, if the City Manager or his/her designee determines that it will meet the three conditions listed in subsection (d) of this section.
(Ord. No. 2117, § 1, 7-7-03)

[Sec. 38-124. Reserved]

Sec. 38-125. City's Right of Revision.

The city reserves the right to establish, by future amendment to this division or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. No. 2117, § 1, 7-7-03)

Sec. 38-126. 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 City Manager or his/her designee may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 2117, § 1, 7-7-03)

Sec. 38-127. Confidential Information.

(a) Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City Manager or his/her designee that the release of such information would divulge information, processes, or methods of production entitled to protection as "trade secrets" under applicable state law.

(b) Any such request must be asserted at the time of submission of the information or data. To the extent allowed by law, when requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

(c) Wastewater constituents and characteristics and other effluent data as will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 2117, § 1, 7-7-03)

Sec. 38-128. Miscellaneous provisions.

Industrial wastewater pretreatment system operators. Operators of industrial wastewater pretreatment systems must comply with State of Georgia Rule for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analyst.

(Ord. No. 2117, § 1, 7-7-03)

Sec. 38-129. High strength wastewater surcharge.

(a) [Monetary surcharge] Users discharging “high strength” wastewater into the city wastewater system may be assessed a monetary surcharge, in addition to the normally required wastewater use charges, in an amount to be calculated as shown below. A “high strength” wastewater is defined as wastewater which contains the below shown parameters in excess of the concentration provided in the following schedule:

Limits	BOD ₅	TSS	Ammonia
Design	250 mg/L	250 mg/L	30 mg/L
1 st Level	500 mg/L	500 mg/L	40 mg/L
2 nd Level	750 mg/L	750 mg/L	50 mg/L
Prohibited Level	Above 750 mg/L	Above 750 mg/L	Above 50 mg/L

(b) Surcharge Basis. The surcharge rate shall be a cost per pound of BOD₅ suspended solids or ammonia nitrogen. The rate is based on treatment costs for operation and maintenance of the city’s wastewater treatment facilities and is subject to periodic revision by the city. The rate shall be multiplied times the pounds of BOD₅ suspended solids or ammonia nitrogen discharged to the sanitary sewer each month by the user. The poundage shall be based on that concentration of BOD₅ suspended solids and ammonia nitrogen over and above the domestic level as defined in subsection 38-128(a) and the volume of wastewater discharged on an average daily basis.

(c) Surcharge Rates: The wastewater surcharge rates for BOD₅ suspended solids and ammonia nitrogen shall be as follows:

Concentration Subject to Surcharge (mg/L)	Rate (per pound)
Five-Day BOD	
251-500	\$ 0.18
500 and above	\$ 0.36
>750	Prohibited
Total Suspended Solids	
251-500	\$ 0.16
500 and above	\$ 0.32
>750	Prohibited
Ammonia Nitrogen	
30 – 40	\$ 0.12
40 and above	\$ 0.24
>50	Prohibited

(d) Determining Persons Liable for Surcharge: The City Manager or his/her designee shall determine which users are discharging the wastewater collection and treatment system in excess of acceptable levels.

(e) Quantitative Measurement of Surchargeable Parameters. The measurement of the surcharge parameters (BOD₅, TSS, ammonia, and phosphorus) shall be conducted as follows:

- (1) Monitoring to determine surcharge shall be conducted by the industrial user as specified in the user’s permit except that frequency of testing for surchargeable parameters shall be a

minimum of two tests per month. If the permit requires more frequent testing, then the average of all test results will be used to calculate the surcharge. If the permit requires less frequent testing for compliance purposes, then testing frequency will be increased to twice per month.

- (2) The city may sample the user as often as desired at the city's expense. The city will split the sample with the industrial user at the user's request.

(f) Billing Payment of Surcharge. The surcharge shall be assessed against each user on the basis of an arithmetic average of all tests conducted for each month and be billed monthly by the city with the normal user charge, and the conditions for payment and penalties applicable to the normal user charge shall apply to the surcharge.

(Ord. No. 2117, §1, 7-7-03)

Secs. 38-130—38-139. Reserved.

Subdivision III. Enforcement and Penalties

Sec. 38-140. Enforcement.

(a) The failure of any person to comply with any provision contained in this division shall be a violation which shall be enforced in accordance with the penalties and provisions as hereinafter set forth.

(b) Inspections. The City Manager or his/her designee shall have the right to direct and conduct such investigations as he may reasonably deem necessary to carry out his duties as described in this division. For this purpose, the City Manager or his/her designee and his authorized employees and representatives, upon proper presentation of credentials, shall have the right to enter at reasonable times on any property, public or private, for the purpose of investigating and inspecting the conditions relating to pollution and to inspect the operating records of any sewage system, waste treatment work, or other sewage disposal method. Upon refusal of the right of entry, the City Manager or his/her designee may apply to the municipal court for an administrative search warrant, upon showing probable cause that a violation exists.

(c) Significant non-compliance. The term "significant non-compliance" shall mean:

- (1) Chronic violations of wastewater discharge limits defined here as 66 percent or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- (3) Any other discharge violation that the City Manager or his/her designee 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 have caused imminent endangerment to the public or to the environment or has resulted in the City Manager or his/her designee's exercise of its emergency authority to halt or prevent such a discharge.

- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules; or
- (7) Failure to accurately report noncompliance.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-141. Notice of Violation.

(a) When the City Manager or his/her designee finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or consent order issued hereunder, or any other pretreatment standard or requirement, the City Manager or his/her designee shall serve upon that user a written notice of violation.

(b) Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted by the user to the City Manager or his/her designee. 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.

(c) Nothing in this section shall limit the authority of the City Manger or his/her designee to take any action, including emergency actions or any other enforcement action, without a notice of violation first being issued.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-142. Consent Orders.

The City Manager or his/her designee may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified in the document. Such documents shall have the same force and effect as binding contracts under Georgia law and shall be judicially enforceable by petition for specific performance. (Ord. No. 2117, §1, 7-7-03)

Section 38-143. Injunctive Relief.

(a) When the City Manager or his/her designee finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City Manager or his/her designee may petition the Elbert County Superior Court, through the City Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains the further violation and/or compels the specific performance of the wastewater discharge permit, consent order, or other requirement imposed by this division on activities of the user.

(b) The City Manger or his/her designee may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. 2117, §1, 7-7-03)

Sec. 38-144. Termination of Discharge.

(a) Any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Article II which are Sections 38-110—38-126 of this chapter.

(b) Such user shall be notified, in writing, of the proposed termination of its discharge and be offered a reasonable opportunity to show cause before the City Manager or his/her designee why the proposed action should not be taken. The decision of the City Manager or his/her designee, after notice and opportunity for hearing, shall be deemed a final action by the City of Elberton. Exercise of this option by the City Manager or his/her designee shall not be a bar to, or a prerequisite for, taking any other action against the user.

(c) Aggrieved users may seek judicial review by petitioning the Superior Court of Elbert County for writ of certiorari.

(Ord. No. 2117, S1, 7-7-03)

Sec. 38-145. Emergency Suspensions.

(a) The City Manager or his/her designee may immediately suspend a user's discharge, after oral notice to the user, whenever, in the City Manager or his/her designee's sole discretion, such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager or his/her designee may also immediately suspend a user's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager or his/her designee 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 City Manager or his/her designee may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City Manager or his/her designee that the period of endangerment has passed, unless the termination proceedings in Section 38-144 of this division 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 City Manager or his/her designee prior to the date of a termination hearing under Section 38-144 of this division.

(b) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-146. Civil Liability.

(a) A user who has violated, or continues to violate, any provisions of this division, a wastewater discharge permit or consent order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum 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, but shall not exceed \$25,000.00 cumulatively. The City Manager or his/her designee shall cause a citation to be issued to the violator to appear before the Municipal Court of the City of Elberton to show cause why such penalty should not be imposed.

(b) In addition to any monetary fine imposed, the City Manager or his/her designee may seek restitution of reasonable attorney's fees, court costs, and other expenses, and the cost of any actual damages incurred by the city.

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

(d) In lieu of the provisions of subsection (a) through (c) of this section, the City Manager or his/her designee may, in his sole discretion, elect to file a complaint for civil liability in the superior court in accordance with O.C.G.A. 12-5-51 as amended. In those cases where the violator has been cited to Municipal Court and refuses to waive the right to trial by jury, the municipal court may bind the case over to the superior court under this section.

(e) Conviction in the municipal court under this section shall not be a bar against or a prerequisite for taking any other action against a user.
(Ord. No. 2117, §, 7-7-03)

Sec. 38-147. Criminal Prosecution.

(a) A user who willfully or knowingly violates any provision of this division, a wastewater discharge permit or consent order issued hereunder or any orders of the municipal court issued under Section 38-146 of this division, shall, upon conviction, be guilty of a misdemeanor. The City Manager or his/her designee shall apply for a state warrant for violation of O.C.G.A. 12-5-53(a) as amended, returnable to the superior court.

(b) The City Manager or his/her designee shall seek the issuance of State warrants for any person violating any of the provisions set forth in O.C.G.A. 12-5-53(b)—(d) as amended, returnable to the appropriate superior courts of criminal jurisdiction.

Sec. 38-148. Remedies Non-Exclusive.

- (a) The remedies provided for in this division are not exclusive.
- (b) The City Manager or his/her designee may take any, all, or any combination of these actions against a non-compliant user.
- (c) Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the City Manager or his/her designee may take other action against any user when the circumstances warrant. Further, the City Manger or his/her designee is empowered to take more than one enforcement action against any noncompliant user.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-149. Publication of Users in Significant Noncompliance.

The City Manager or his/her designee shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in Section 38-141 of this division. (Ord No. 2117, 7-7-03)

Sec. 38-150. Notification Delivery of Enforcement Actions.

- (a) Written notice personally delivered or placed in the U. S. Mail by certified mail to the person's last known address, as shown in city utility billing records, shall be deemed sufficient notice for all enforcement actions in this division. Such notice(s) may be personally served on the user or any authorized representative of the user.
- (b) With respect to ordinance violations regarding nonpayment of amounts due under this division, only notice mailed to the person's last known address, by regular U. S. Mail, of the amount owed and the date upon which payment is due shall be required.
(Ord. No. 2117, §1, 7-7-03)

Sec. 38-151. Severability.

If any provision of this division is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
(Ord. No. 2117, §1, 7-7-03)

Secs. 38-152—38-159. Reserved.

DIVISION 5. WATER CONSERVATION

Sec. 38-160. Water Conservation.

The City Manager will implement water conservation measures as adopted from time to time by the Georgia Department of Natural Resources Environmental Protection Division (EPOD)
(Ord. No. 2127, §1, 8-2-04)

Secs. 38-161 – 38-169. Reserved.