

## WATER AND SEWERAGE\*

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\***Charter references-** Municipal utilities, § 7.11; sewers and drains, 7.12.

**Cross references-** Buildings and building regulations, CH. 5; flood damage prevention, Ch. 10; nuisances, Ch. 13; solid waste management, Ch. 16; stormwater detention, soil erosion and sedimentation control, Ch. 17; streets and sidewalks, Ch. 18; subdivision regulations, App. A; zoning, App. B.

**State law references-** Power of city or county to provide stormwater, sewerage collection and disposal systems, Ga. Const. art, 9, sec. 2, par. 3; dumping certain wastes in storm or sanitary sewers prohibited, O.C.G.A. § 12-8-2; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections, payment of costs of connections, O.C.G.A. § 36-39-7; city's authority to acquire, construct, extend, operate, maintain and collect fees for water and sewerage systems, O.C.G.A. § 36-34-5; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.' Grants of state funds to municipal corporations for public purposes, O.C.G.A. § 36-40-20 et seq.; executions for collection of assessments for laying sewers, O.C.G.A. § 48-5-358.

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**ARTICLE I. IN GENERAL**

**Sec. 21-1. Tampering with water lines and meters prohibited.**

It shall be unlawful for any person to tamper with any city water line or city water meter for any purpose, including tampering for the avoidance of payment of amounts rightfully due to the city, whether such water meter or water line is within or without the city limits.  
(Code 1979, § 6-2-1)

**Sec. 21-2. Knowingly using city water after cutoff prohibited.**

It shall be unlawful for the occupant of any property served by the city water system, whether such property is within or without the city limits, or for the owner of such property to make use of the water from the city water system after water service to the premises has been cut off by the city; and any person who knows or has reason to know that such water service has been cut off but who, by means of tampering with the water system, done by himself or his agent, or by means of availing himself of the benefits of tampering with the water system done by another person or persons unknown, uses city water after the date of service cutoff, shall be guilty of a violation of this Code.  
(Code 1979, § 6-2-2)

**Sec. 21-3. Damages; responsibility for payment.**

Whenever the water meters or water lines under the control of the city water system, inside or outside the city limits, show signs of having been tampered with for the purpose of avoiding or reducing the payment of rates, the consumer, occupant of the property or the property owner or owners shall be held responsible on account thereof for payment for repair of damages to the water meter or lines, including the replacement of materials, and shall be held responsible for payment to the city on the basis of a fair estimation of the length of time that such meter or meters or lines have been in defective condition due to tampering, and/or the amount of water used during such estimated period, which amount shall be calculated at twice the average monthly bill for the preceding six months or fraction thereof.  
(Code 1979, § 6-2-3)

**Sec. 21-4. Required report of damage to police.**

It shall be the duty of the city water superintendent to report all tampering with meters to the city police and the city manager, and to calculate the amount for which the consumer or occupant or property owner should be responsible under Section 21-3, and the water superintendent shall present a bill for such amount, showing the date on which the service to the premises had been shut off, to either the consumer, occupant or the property owner, along with notice that if the bill is not paid in five days the water shall be shut off until payment is made in full.  
(Code 1979, § 6-2-4)

**Sec. 21-5 Damages; apportionment of payment among persons with interest in land.**

(a) The bill described in Section 21-4 may be presented to either the consumer, occupant of the premises or the owner of the property, and all such persons shall be jointly and severally responsible for payment of the bill. The city may collect payment from more than one of the persons having an interest in the property, but in no event shall the amount collected by the city exceed the total amount of the bill. The various parties having an interest in the property among themselves as they see fit, but it shall be no concern of the city which party ultimately incurs the burden of paying the bill, so long as the bill is paid.

(b) Any and all unpaid water charges due to the city shall constitute a lien against the real estate served by the facilities. Such lien shall be second only in priority to liens for city and county property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes. This lien shall attach only after the unpaid water charges exceed \$250.00.  
(Code 1979, §6-2-5; Ord. of 10-26-76)

**Sec. 21-6. Cutoff of service.**

The consumer, occupant or property owner shall have the right within the aforementioned five days to file a demand for a hearing by the city council or to pay the bill in full, or the water shall be cut off in the most practicable manner designed to make sure that there will be no further unauthorized taking of water from the city water system. If there is a demand for a hearing by the city council filed with the city clerk in the allotted time, the water shall not be cut off until after the hearing at the next regularly scheduled council meeting. A consumer, occupant or property owner who has

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availed himself of the benefits of the damaged water system shall not be heard at the hearing to deny his financial responsibility on the grounds he did not personally cause the damage. After the hearing, the city council may affirm, reverse or postpone the cutoff order.  
(Code 1979, § 6-2-6)

### **Sec. 21-7. Removal of meter authorized.**

In the event that the city water superintendent shall determine that it is necessary, in order to make sure that water will not continue to be taken from the city water system, to physically remove the water meter or connecting pipe from the premises, in pursuance of his duties under this chapter, the water service shall in no event be restored unless payment is made in advance for reasonable expenses of the city due to such removal and reinstallation of the equipment.  
(Code 1979, § 6-2-7)

### **Sec. 21-8. Violations and penalties.**

Any person convicted of violation of the provisions of Section 21-1 or Section 21-2 upon conviction in the municipal court shall be punished in accordance with the provisions of Section 1-8.

### **Sec. 21-9. Water Supply Cross Connection Rules.**

(a) In order to maintain safe drinking water supplies and prevent the possibility of cross connection, or the arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system, the City adopts by reference the Water Supply Cross Connection Rules of the Georgia Department of Natural Resources' Chapter 391-3-5-.13 of the rules for safe drinking water.

(b) It shall be the duty of the City of Villa Rica to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the City of Villa Rica and as approved by the Georgia Department of Natural Resources.

(c) The representative of the City of Villa Rica shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Villa Rica, Georgia for the

purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) The City of Villa Rica is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

(e) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the State and City of Villa Rica plumbing code. 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**

(f) This ordinance does not supersede the state plumbing code, but is supplementary to it.

(g) Any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Villa Rica, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$250.00 nor more than \$1000.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.  
(Ord. of 4-1-2003)

### **Secs. 21-10 - 21-30. Reserved.**

## **ARTICLE II. WATER AND SEWER RATES**

### **Sec. 21-31. Fees; rates; charges.**

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**(a) Water Rate Schedule per 1,000 gallons of usage per month: (Effective 4/1/2010)**

Meter Class & Size	Tier 1	Tier 2	Tier 3
Inside City Limits>	\$3.575*	\$4.481*	\$7.161*
Outside City Limits>	\$5.371*	\$6.584 *	\$10.742*
Senior 3/4 & 5/8	0-5,000 **	5,001-8.5K**	Over 8.5K**
Residential 3/4 & 5/8	0-5,000	5,001-8.5K	Over 8.5K
Non-Resid 3/4 & 5/8	0-5,000	5,001-25K	Over 25K
1" water meter	0-15,000	15,001-40K	Over 40K
1 1/2" water meter	0-60,000	60,001-100K	Over 100K
2" water meter	0-85,000	85,001-250K	Over 250K
3" water meter	0-300,000	300,001-450K	Over 450K
4" water meter	0-400,000	400,001-750K	Over 750K
6" water meter	0-500,000	500,001-750K	Over 750K
8" water meter	0-600,000	600,001-900K	Over 900K

- \* - cost per 1000 gallons of consumption per month
- \*\* - total gallons per month of consumption. Applies to entire column. ("K" represents factor of 1,000)
- \*\*\* All irrigation and hydrant meter usage will be calculated at Tier 3 rates regardless of consumption. No sewer charges or fees will be applied. (ORD-10-03-CCO 4-6-10)

**(b) Sewer Rate Schedule: (Effective 4/1/2010)**  
 Inside City rate: \$4.389 per 1000 gallons  
 Outside City rate: \$6.584 per 1000 gallons  
 (ORD-10-01-CCO 2-2-2010)

**(a) Charges for Initial Water and Sewer Service:**  
 Each consumer subscribing to use the water and sewer service of the City of Villa Rica at a location which has not previously been served by those utilities shall pay a tapping fee unless otherwise specified. No new water or sewer lines will be run outside the City unless the entity requesting the tap-on agrees to be annexed. For water service the tapping fee shall be based upon the size of the meter installed, as follows:

**TAP FEES**

	Water Inside City Limits	Water Outside City Limits	Sewer
Residential	\$ 2,990.00	\$ 3,690.00	\$ 5,500.00
5/8 to 3/4"	2,990.00	3,690.00	5,500.00
1"	4,485.00	5,685.00	8,250.00
1 1/2 "	6,728.00	7,728.00	12,375.00
2"	9,250.00	10,250.00	17,016.00
4"	16,386.00	18,986.00	30,142.00
6"	24,579.00	26,579.00	45,213.00
8"	31,953.00	34,453.00	58,777.00
Apartments			\$5000.00 plus \$1200 each unit over three

Hotels	\$5000.00 plus \$600 each room over three
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**(d) Access Charge.**

(1) An Access Fee shall be assessed as a base monthly charge for providing service availability regardless of volume used, based on capacity of meters as follows:

Meter Size	Water(Eff 4/1/08)		Sewer (Eff 4/1/08)	
	Inside	Outside	Inside	Outside
Senior See (d)(2)	\$ 0.00	N/A	\$ 0.00	N/A
3/4 & 5/8	\$ 6.50	\$ 9.75	\$ 6.50	\$ 9.75
1"	\$ 15.45	\$ 23.18	\$ 16.50	\$ 24.75
1 1/2"	\$ 30.90	\$ 46.35	\$ 33.00	\$ 49.50
2"	\$ 49.50	\$ 74.25	\$ 52.80	\$ 79.20
3"	\$ 99.00	\$148.50	\$105.60	\$158.40
4"	\$154.50	\$231.75	\$165.00	\$247.50
6"	\$309.00	\$463.50	\$330.00	\$495.00
8"	\$427.50	\$641.25	\$453.75	\$680.63

(2) Monthly water and sewer discounts for Seniors is equal to the Access Charge and shall apply to citizens within the city limits who meet the following criteria:

- a. Must be at least 65 years of age and a citizen of Villa Rica;
- b. Must submit proof of age along with appropriate application; and,
- c. Must be the named applicant on the water account or the spouse of the named applicant.

Senior discounts cannot exceed the actual amount of Access Charges billed. Discounts apply to the Senior Citizen's primary residence only. Discount is not allowed on commercial property or on rental property in which the applicant does not reside.

(Ord. of 7-1-86, § 2; Ord. of 10-3-89; Ord. of 12-7-93; Ord. of 6-21-94, § 3, 4; Ord. of 2-20-96 § 1, 4; Ord. of 1-5-99; Ord. of 10-1-02; Ord. of 6-3-03; Ord. of 3-1-05; ORD-05-06-ADM of 12-6-05; ORD-06-07-ADM of 5-2-06; ORD-06-09-ADM. of 6/6/06; ORD-07-01-ADM(2), ORD-08-03-ADM of 3/4/08; ORD-08-06-ADM of 4/1/08; ORD-09-08-CCO)

**Sec. 21-32. Application for water service.**

(a) The consumer shall make application for water and/or sewer service, in person, at the city hall of the City of Villa Rica and at the same time shall make a cash security deposit for water and/or sewer service as follows: residential users, one-hundred dollars (\$100.00), plus a non-refundable twenty five dollar (\$25.00) administration fee; non-residential users, one-hundred-fifty dollars (\$150.00), plus a non-

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refundable twenty five dollar (\$25.00) administration fee.

(b) Owners of rental property can sign a Landlord Agreement with the City of Villa Rica for service without a security deposit under the following conditions:

- (1) Proof of ownership of said property must be established through tax records or a recorded warranty deed;
- (2) The property owner must be in good credit standing with the City of Villa Rica;
- (3) Property owners at the time of application must pay a one-time non-refundable thirty-dollar (\$30.00) administration fee for each location that is established. After the one-time charge, the fee is waived for the property owner at the time the tenant requests service disconnection and service is transferred to the property owner. However, should the property owner, for any reason, request that the utility service be disconnected once the agreement is established, the charge will be billed.

(Ord of 7-1-86, § 2; Ord of 10-3-89; Ord of 2-20-96, § 2)

Administration/Connect Fee	\$25.00
Landlord Connect Fee	\$30.00
Notification Fee	\$10.00
Return Check Fee	\$25.00
Transfer of Service Fee	\$25.00

(Ord of 7-1-10)

**Sec. 21-33. Credit of deposit.**

After one year's payment of all water and sewer charges in a timely fashion, any residential user may apply for and receive a refund check or credit upon his water and sewer account in the amount of his initial security deposit. A user who has been delinquent in any payment of his account at any time within the preceding twelve months shall not be eligible for such a credit.

(Ord. of 7-1-86, § 2, Ord. of 6-2-87; Ord. of 10-3-89; Ord. of 1-2-90; ORD-06-10-ADM of 6/6/06)

**Sec. 21-34. City's responsibility and liability.**

The city shall run a service line from its distribution line to the property line where the distribution line exists or is to be constructed, and runs immediately adjacent and parallel to the

property to be served. No service charge will be made for a five-eighths-inch by three-fourths inch meter. A proportionately greater charge than the connection fee above will be made for a meter of larger dimensions.

- (1) The city may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service.
- (2) The city may install its meter at or near the property line or, at the city's option, on the consumer's property within three feet of the property line.
- (3) The city reserved the right to refuse service unless the consumer's lines or pipings are installed in such a manner as to prevent cross connections or backflow.
- (4) Under normal conditions the consumer will be notified of any anticipated interruptions of service by the city.

(Ord. of 7-1-86, § 5)

**Sec. 21-35. Consumer's responsibility and liability.**

Water furnished by the city shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any other person or permit any other person to use such water. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for this rule shall be sufficient cause for refusal and/or discontinuation of service.

- (1) Where the meter or meter box is placed on the premises of a consumer, a suitable place shall be provided by the consumer there for, unobstructed and accessible at all times to the meter reader.
- (2) On all new consumer services, the consumer shall furnish and maintain a private cutoff valve and backflow prevention device on the consumer's side of the meter.
- (3) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense, in a safe and efficient manner, and in accordance with the sanitary regulations of the state health department.
- (4) In order to be received as a consumer and entitled to receive water from the city's water system, all applicants must offer proof that any private wells located on their property

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are not physically connected to the lines of the city's water system, and all applicants, by becoming consumers of the city, covenant and agree that so long as they continue to be consumers of the city they will not permit the connection of any private wells on their property to the city's water system.

(Ord. of 7-1-86, § 6)

### **Sec. 21-36. Access to premises and extensions of system.**

(a) Duly authorized agents of the city shall have access at all hours to the premises of the consumer for the purpose of installing or removing city property, inspecting piping, reading and testing meters, or for any other purpose in connection with the water service and its facilities and the sewer service and its facilities.

(b) Extensions to the system shall be made only when the consumer shall grant or convey, or shall cause to be granted or conveyed, to the city a permanent easement of right-of-way across any property traversed by the water and sewer lines.

(Ord. of 7-1-86, § 7)

### **Sec. 21-37. Change of occupancy.**

Not less than three days' notice must be given, in person or in writing, at the city to discontinue water and sewer service or to change occupancy. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer. The new occupant shall apply for water service within 48 hours after occupying the premises and failure to do so will make him liable for paying for the water consumed since the last meter reading.

### **Sec. 21-38. Meter reading; billings; collecting.**

(a) Bills to customers for water and sewer service shall be mailed out on such day or days of each month as may be determined as desirable by the City. Bills shall be paid at the City Hall and a failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the consumer from payment of same. The failure of water and/or sewer users to pay charges duly imposed shall result in the automatic imposition of the following penalties:

- (1) Nonpayment after the 15<sup>th</sup> of the month will result in a penalty of ten percent of the delinquent account.
- (2) Nonpayment of all outstanding amounts due (including all penalty and current charges) after the 16<sup>th</sup> of the following month will result in the water being shut off from the user's property.

(b) Service disconnection for nonpayment of bills will be restored only after bills are paid in full, such security deposit as may be required by the Mayor and Council is made, and a service charge of fifty dollars (\$50.00) paid for each meter reconnected. Payment must be made by cash or money order. Personal checks will not be accepted.

(c) Should the reconnection of service for the above-referenced situation fall outside of normal business hours as posted in City Hall, then the customer will be required to pay a service charge of seventy dollars (\$70.00) to be paid at the City of Villa Rica Police Department and a receipt shown to the City representative who is called to reconnect service prior to the restoration of such service.

(Ord. of 7-1-86, § 9; Ord. of 10-3-89; Ord. of 2-20-96, § 9; Ord of 4-5-2005)

### **Sec. 21-39. Suspension of service.**

When water and sewer service is discontinued and all bills paid, the security deposit shall be refunded to the consumer by the city.

- (1) Upon discontinuation of service for nonpayment of bills, the security deposit will be applied by the city toward settlement of the account. Any balance will be refunded to the consumer; however, if the security deposit is insufficient to cover the bill, the city may proceed to collect the balance in the usual way provided by law for collection of debts.
- (2) The city reserved a right to discontinue its service without notice for the following additional reasons:
  - a. To prevent fraud or abuse.
  - b. Consumer's willful disregard of the city's rules.
  - c. Emergency repairs.
  - d. Insufficiency of water supply due to circumstances beyond the city's control.
  - e. Legal processes.
  - f. Direction of public authorities.
  - g. Strike, riot, fire, flood, unavoidable accident.

(Ord. of 7-1-86, § 10)

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### Sec. 21-40. Complaints' adjustments.

If the consumer believes his bill to be in error, he shall present his claim, in person, at the city hall before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuation of service as heretofore provided. The consumer may pay such bill under protest and such payment shall not prejudice his claim.

- (1) The city will make a special water meter reading at the request of the consumer for a fee of twenty-five dollars (\$25); provided, however, that if such special reading discloses that the meter was over read, no charge will be made.
- (2) If the seal of a meter is broken by other than the city's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of this previous bills and/or from other proper data.

(Ord. of 7-1-86, § 11; ORD-07-02-ADM)

### Sec. 21-41. Rental and use of Hydrant Meters

(a) *Purpose.* This section regulates the rental and use of City-owned hydrant meters by commercial entities, residential or commercial builders, and general contractors.

(b) *Use.* City-owned hydrant meters are rented for the purpose of washing down large areas or hydro-seeding for erosion control purposes. Any other uses must be specified in writing and approved by the signature of the City Manager or his/her designee.

(c) *Permit/application.* An application shall be completed by any entity or lawful representative of such entity who may bind the entity to the terms and conditions of use. A deposit, as specified in this section, shall be required at the time of application. An entity whose application is approved is referred to hereinafter as the Lessee.

(d) *Rental rates; fees; charges*

- (1) Hydrant meter deposit - \$1250.00.
  - a. A hydrant meter deposit of \$1250.00 will be required before the meter is released to the Lessee. Upon return of the meter, the City will deduct any remaining charges and refund the remainder.
  - b. Any Lessee renting a meter shall be held responsible for the return of the meter in

good working condition. If the meter is returned damaged, the City reserves the right to retain the posted deposit for repair or replacement of the damaged meter.

- (2) Weekly rental fee: \$20.00.
  - a. A weekly rental fee of \$20.00 will be charged per rental week or any fraction thereof.
  - b. A rental week shall begin on Monday at 8:00 a.m. and conclude the following the following Monday at 8:00 a.m. The City shall charge the entire fee for any fraction of a week.
- (3) Water Usage: All irrigation and hydrant meter usage will be calculated at Tier 3 rates regardless of consumption. No sewer charges or fees will be applied. (ORD-10-03-CCO 4-6-10)
  - a. Water used by the renter shall be assessed at \$5.00 per 1000 gallon of water passing through the meter.
  - b. A reading shall be taken by City personnel at the time of the rental. Any entity renting a meter for an extended period of time shall agree to and adhere to the following procedures:
    1. Meter readings shall be reported to the City by the 10<sup>th</sup> of each month to be recorded for accountability and usage.
    2. The reading may be called or faxed in, or the meter may be brought to the Water Department during regular business hours. The meter serial number must accompany the reading notification.
    3. Failure to provide meter readings, as provided in this ordinance, shall result in the following late penalties:
      - First offence - \$50.00
      - Second offence - \$100.00
      - Third offence - \$500.00
      - Fourth offence - \$1000.00
    4. Failure to have the readings reported after the fourth (4<sup>th</sup>) offense will result in the termination of the rental agreement, and forfeiture of the deposit held.
    5. Any lessee, having been duly notified to return a meter, who fails to return the meter may be charged with Theft by Conversion under OCGA 16-8-4 in either the State Court of Carroll County or the State Court of Douglas County

## WATER AND SEWERAGE

(e) *Hydrant Use.* Hydrant use is restricted to designated hydrants as specified by the City of Villa Rica Water Department. The Lessee agrees to use the hydrant meter only on these hydrants. Hydrant meters are not intended for use with private fire line hydrants located on private property. The primary location of meter usage shall be indicated on the application by the lessee.

(f) *Meter required for hydrant use.* Except as otherwise specified here, all hydrant use requires a meter and backflow preventer or air gap.

- (1) Before any water is drawn from a hydrant, these must be a meter in place and all water must pass through the meter and backflow preventer.
- (2) Upon discovery of hydrant meter or backflow preventer malfunction, the Lessee or his/her designee is required to notify the Water Department immediately. Failure to do so will result in revocation of the hydrant permit.
- (3) Exceptions are as follows:
  - a. Firefighters in the pursuit of normal or emergency operations.
  - b. Authorized City employees while in the performance of maintenance or repair of hydrants or other approved City business.
  - c. Any other emergency operation approved by the City Manager or his/her designee.

(g) *Failure to use rented meter.* If a meter is rented, it must be utilized. If not utilized, the responsible party may be charged under the City Ordinance, Sec. 21-1; Tampering with water lines and meters prohibited.

(h) *Payments.*

- (1) For short term use (under one month), all recorded water usage, weekly rental fees, and fines (if any) in excess of the deposit will be paid at the time the meter is checked back in to the City. If a balance is due on the deposit, it will be calculated and returned by mail to the Lessee.
- (2) For long term use (one month or more), the Lessee will be billed each month for the accrued rental fee and the reported water usage for that month. Terms of payment will be posted on the invoice. Failure to pay accordingly will result in revocation of the hydrant permit and an immediate recall of the meter. Any balance due at the time of check-in will be deducted from the deposit

and the remainder returned by mail to the Lessee.

(i) *Recordkeeping.*

- (1) Each meter will have a log kept by the designated City department and will contain the Meter Number, Serial Number and up-to-date reading. Attached to this log will be the application of the current lessee of the meter.
- (2) All old applications will be kept on file for one (1) year from the date the meter is checked in. (Ord. of 9-6-2005)

**Secs. 21-42 - 21-55. Reserved.**

### Article III. SEWER USE

#### DIVISION 1. GENERALLY

**Sec. 21-56. Purpose.**

(a) This article regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, the discharge of waters and waste into the public sewer system, and use of the publicly owned treatment works, and provides penalties for violations thereof. It enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

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(6) To enable the city to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

(b) This article shall apply to all users of the publicly owned treatment works. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. of 3-7-89, art. 1; Ord of 1-2-01)

**Sec. 21-57. Administration.**

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

(Ord of 1-2-01)

**Sec. 21-58. Abbreviations.**

The following abbreviations, when used in this article, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
EPD	State of Georgia Department of Natural Resources Environmental Protection Division
gpd	gallons per day
mg/l	milligrams per liter
MGD	Million Gallons per Day
MSDS	Material Safety Data Sheet
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SUs	Standard Units

TKN Total Kjeldahl Nitrogen

TSS Total Suspended Solids

U.S.C. United States Code  
(Ord of 1-2-01)

**Sec. 21-59. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

*Act* (sometimes termed "the act") shall mean the federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

*Ammonia nitrogen (NH<sub>3</sub>)* shall mean the total quantity of ammonia nitrogen as determined by an EPA approved laboratory procedure, expressed in milligrams per liter (mg/l).

*Approval authority* shall mean the State of Georgia, Department of Natural Resources, Environmental Protection Division.

*Authorized representative of the user* shall mean:

- a. If the user is a corporation:
  - 1. 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
  - 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- d. The individuals described in paragraphs 1 through 3, above, may designate another

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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)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedures in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection or service connection.

*Bypass* shall mean the intentional or accidental diversion of waste streams from any portion of any pretreatment system.

*Categorical pretreatment standard* (sometimes termed "categorical standard") shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.

*Chemical oxygen demand (COD)* shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under EPA approved laboratory procedures expressed in milligrams per liter.

*City* shall mean the City of Villa Rica, Georgia.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Compliance* shall mean the level of conformity with all applicable regulations. The level of compliance will normally be referred to as either consistent compliance, infrequent non-compliance, or significant non-compliance.

*Compliance schedule* shall mean a mandated list of activities issued by the city requiring the user to complete such activities within specified time limitations.

*Composite sample* shall mean the accumulation of a number of individual samples over a period of time, so taken as to represent the nature of the waste stream being sampled.

*Constituents* shall mean the combination of particles, chemicals, or conditions which exist in wastewater.

*Council* shall mean the city council of the City of Villa Rica, Georgia.

*Customer* shall mean every person who is responsible for contracting (expressly or implicitly) with the city in obtaining, having, or using sewer connections with, or sewer tap to, the sewer system of the city and in obtaining, having, or using water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through such system. Such terms shall include the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

*Direct discharge* shall mean the discharge of treated or untreated wastewater directly to the waters of the state.

*Domestic wastewater* shall mean 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* shall mean an acquired legal right for the specific use of land owned by others.

*Environmental protection agency* shall mean the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

*Existing source* shall mean 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.

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*Floatable oil* shall mean the oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

*Flush toilet* shall mean the common sanitary flush commode in general use for the disposal of human excrement.

*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

*Grab sample* shall mean 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 fifteen (15) minutes.

*Health officer* shall mean the director of the county board of health or other person designated by the board of commissioners and their duly appointed assistants.

*Indirect discharge* shall mean the introduction of wastewater into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

*Industrial wastes* shall mean the wastewater from industrial and/or production processes as distinct from domestic or sanitary wastes.

*Infiltration/inflow* shall mean groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.

*Instantaneous maximum allowable discharge limit* shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any

more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*May* is permissive (see *Shall*).

*Medical waste* shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Natural outlet* shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* shall mean:

- a. 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:
  1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. 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.
- b. Construction on a site at which an existing source is located results in a modification

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rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph a.2. or a.3. above but otherwise alters, replaces, or adds to existing process or production equipment.

- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
1. Begun, or caused to begin, as part of a continuous onsite construction program
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. 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
  2. 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* shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Unless otherwise specifically defined, domestic or sanitary wastes shall be considered to have the constituent concentrations as defined above for normal wastewater.

*Pass through* shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

*Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, society, group, 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* shall mean the measure of the relative acidity or alkalinity of a solution as the logarithm of the reciprocal of the hydrogen ion concentration expressed in standard units (SUs).

*Pit privy* shall mean a shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with a hinged flytight seat and lid.

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

*Pretreatment* (sometimes termed "treatment") shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Pretreatment standards* (sometimes termed "standards") shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards* (sometimes termed "prohibited discharges") shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 21-151 of this article.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have 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.

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*Public sewer* shall mean the common sewer controlled by the city.

*Public works director* shall mean the director of public works or his authorized deputy, agent or representative.

*Publicly owned treatment works* shall mean a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

*Sanitary sewer* shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm water, and surface waters that are not intentionally admitted.

*Septic tank* shall mean a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

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

*Septic tank waste* (sometimes termed "septage") shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage* shall mean the spent water of a community including but not limited to human excrement and gray water (household showers, dishwashing operations, etc.). The equivalent term is "wastewater."

*Sewage works (sewerage)* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*Shall* is mandatory (see "May")

*Significant industrial user (SIU)* shall mean:

- a. A user subject to categorical pretreatment standards; or
- b. A user that:
  1. Discharges an average of 25,000 gpd or more of process wastewater to the

POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

2. 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
  3. 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.
- c. Upon a finding that a user meeting the criteria in subsection b. 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* (sometimes termed "slug") shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and may adversely affect the collection system and/or performance of the wastewater facilities or which could cause a violation of the prohibited discharge standards in Section 21-151 of this article.

*Standard industrial classification (SIC) code* shall mean a classification pursuant to the

*Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

*Storm drain* (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source and excluding sewage and industrial wastes other than unpolluted cooling water.

*Storm water* shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

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*Surcharge* shall mean the additional fees assessed against industrial users whose wastewater characteristics exceed established limits in order to recoup the additional costs of treatment and to reduce the economic benefit of user non-compliance.

*Total Kjeldahl Nitrogen (TKN)* shall mean the sum of organic and ammonia nitrogen as determined by EPA approved methods expressed in milligrams per liter (mg/L). ORD-10-03-CCO 4-6-10).

*Total suspended solids (TSS)* shall mean 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 filtration as approved by EPA and referred to as nonfilterable residue.

*Unpolluted water* shall mean 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 provided.

*User* (sometimes termed "industrial user") shall mean a source of indirect discharge of non-domestic wastes.

*Wastewater* shall mean the spent water of a community. From the standpoint of the source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and stormwater that may be present.

*Wastewater facilities* (sometimes termed "treatment plant" or "wastewater works") shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste including the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Also referred to as a water pollution control plant (WPCP) or a wastewater treatment facility (WTF).

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

(Ord. of 3-7-89, § 2.1-2.36; Ord. of 4-2-91; Ord of 1-2-01)

### **Sec. 21-60. Compliance with regulatory requirements.**

The provisions of this article shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered a part of this article upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in 40 CFR 403.

(Ord. of 3-7-89, art. 9)

### **Sec. 21-61. Conflict of regulations.**

In the event a wastewater discharge is made to a POTW under the jurisdiction of an approved sewer use ordinance for another governing authority, the more restrictive requirement shall prevail.

(Ord. of 3-7-89, § 13.3)

### **Sec. 21-62. Notification of Violation.**

When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may serve upon that user a written notice of violation. Within five 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. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the plant the city to action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. of 3-7-89, § 10.1; Ord of 1-2-01)

### **Sec. 21-63. Show cause hearing.**

The city may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show

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cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord of 1-2-01)

### **Sec. 21-64. Issuance of order.**

In the event of violation of this article, the city or authorized employees may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the city may issue to the owner a written order stating the nature of the violation, the corrective action, and the time limit for completing the corrective action. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive same shall in no way affect the validity of any proceedings conducted pursuant to this article.

- (1) *Consent orders.* The city may enter into consent orders, assurances of voluntary compliance, compliance schedules, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sub-paragraphs (2) and (3) of this section and shall be judicially enforceable.
- (2) *Compliance orders.* When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. As part of this order, the city may require a detailed compliance schedule. If the user does not come into compliance within the time provided, sewer service may be discontinued unless

adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (3) *Cease and desist orders.* When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the city may issue an order to the user directing it to cease and desist all such violations and directing the user to:
  - a. Immediately comply with all requirements; and
  - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

(Ord. of 3-7-89, § 10.2; Ord of 1-2-01)

### **Sec. 21-65. Failure to comply.**

Failure to comply with any written order duly issued by the city pursuant to this article will constitute a separate misdemeanor and upon conviction thereof shall be punishable as provided by the laws of the state. Compliance with this article is required notwithstanding the fact that a written order might not have been issued.

(Ord. of 3-7-89, § 10.3)

### **Sec. 21-66. Hearing authorized.**

- (a) Upon the receipt of a notice of a violation of this article and/or an order of the city requiring an

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act or thing to be done or to cease, the owner or owners of any premises then in question may, in writing, demand a hearing before the city to present the evidence challenging the validity of the city's order. The owner may appear in person, by agent, or by attorney. Such demand must be filed with the city clerk and be made within five days from the receipt of the order being challenged. Upon receipt of a demand for a hearing, the city will set a date, time, and place for such hearing to be not less than 21 days from the date of filing of such demand.

(b) The hearing provided for in this section shall apply to any customer's complaint, dispute, or challenge of the city's rules, regulations, resolutions, ordinances, or policies. Upon the customer's written complaint filed with the clerk, the city shall set a hearing as provided herein or at a time agreed upon by the parties.

(Ord. of 3-7-89, § 10.5)

### **Sec. 21-67. Consideration of evidence.**

Evidence before the city of any hearing conducted pursuant to Sections 21-63 or 21-66 or 21-70(d) shall be admitted in accordance with the rules of evidence of the superior courts of the state; provided, however, the city may take official notice of any order, rule, regulation, or any other document, record, or entry contained in its official record or minutes for evidentiary purposes.

(Ord. of 3-7-89, § 10.6)

### **Sec. 21-68. Effect of decision.**

For the purposes of this article, the decisions of the city will prevail in any instance in which there is a conflict between it and the health officer on any issue of sanitation, or the lack of it, and its effect on human health or well being.

(Ord. of 3-7-89, § 10.7)

### **Sec. 21-69. Injunction of violations.**

The violation of any provisions of this article may be enjoined by instituting appropriate proceedings for injunction in the courts of competent jurisdiction in this state. Any public nuisance which is injurious to the public health, safety, or comfort may be abated by instituting appropriate proceedings for injunction in the court of competent jurisdiction in this state. Such actions may be maintained notwithstanding the fact that such violation also constitutes a crime, and notwithstanding that other

adequate remedies at law exist. Such actions may be instituted in the name of the city.

(Ord. of 3-7-89, § 10.4)

### **Sec. 21-70. Authority to disconnect service.**

(a) *Termination on due cause.* The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:

- (1) Acids or chemicals damaging to sewer lines or treatment process are released into the public sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater; or
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is discharging wastewater into the public sewer that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The customer:
  - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority; or
  - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment process; or Fails to pay monthly bills for sanitary sewer services, surcharges, or fines, when due; or
  - c. Repeats a discharge of prohibited wastes into public sewers.

(b) *Notification.* The processes for discontinuance of service are presented in Section 21-167.

(c) *Emergency suspensions.* The city may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, or 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

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eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city 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 may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in paragraph (d) of this section 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 prior to the date of any show cause or termination hearing under Sections 21.63 or 21.70(d) of this article.

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

(d) *Termination of discharge.* In addition to the provisions in paragraph 21-159(f) of this article, 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 Section 21-151 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 21-63 of this article why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. of 3-7-89, §§ 12.1, 12.2, 12.3; Ord of 1-2-01)

### **Sec. 21-71. Administrative fines.**

(a) When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed \$1000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 2% of the unpaid balance, and interest shall accrue thereafter at a rate of 2% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within seven days of being notified of the fine. Where a request has merit, the city may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.  
(Ord of 1-2-01)

### **Sec. 21-72. Judicial enforcement remedies.**

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

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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.

### (b) *Civil Penalties*

- (1) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

### (c) *Criminal prosecution.*

- (1) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than six months, or both.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment for not more than six months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than six months, or both.
- (4) In the event of a second conviction, a user shall be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than six months, or both.

(d) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user.

(Ord of 1-2-01)

### **Sec. 21-73. Supplemental enforcement action.**

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

(b) *Liability insurance.* The city may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore

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or repair damage to the POTW caused by its discharge.

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

(d) *Assessment of damages.* When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities, or any expense of whatever character or nature to the city, the city shall assess the expenses incurred by the city to clear the obstruction, repair damage to the facilities, and any other expenses or damages incurred by the city. The city shall file a claim with the user, or any other person causing said damages, seeking reimbursement for any and all expenses or damages suffered by the city. If the claim is ignored or denied, the city shall notify the city attorney to take such measures as shall be appropriate to recover any expense or other damages suffered by the city.

(e) *Public nuisances.* A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of the city code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(f) *Informant rewards.* The city may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the city may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000.00).

(g) *Contractor listing.* Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with

pretreatment standards or requirements may be terminated at the discretion of the city.

(h) *Severability.* If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

### **Sec. 21-74. Publication of users in significant noncompliance.**

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% 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% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city'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,

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and reports on compliance with compliance schedules;

- (7) Failure to accurately report noncompliance; or
  - (8) Any other violation which the city determines will adversely affect the operation or implementation of the local pretreatment program.
- (Ord of 1-2-01)

### **Sec. 21-75. Malicious damage.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. of 3-7-89, art. 7)

### **Sec. 21-76. Powers and authority of inspectors.**

(a) *Right of entry—Inspection and sampling.* Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, and determining whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the plant city access to all parts of the premises for the purposes of inspection, photographing, video recording, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The city shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The city may require the user to install monitoring equipment as necessary. The

facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy. A calibration check shall be performed and recorded each time wastewater samples are taken. Calibration of all measuring devices shall be maintained to within  $\pm 10\%$  of actual flow.

- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this article.
- (6) While performing the necessary work on private properties referred to in this article, the authorized employees or agents of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the city shall indemnify the company against loss or damage to its property by such employees or agents and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this article.

(b) *Same—Easements.* Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the fully negotiated easement pertaining to the private property involved.

(c) *Same—Search warrants.* If duly authorized employees or agents of the city have been refused access to a building, structure, or property, or any part thereof, and are able to demonstrate probable

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cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from any court of appropriate jurisdiction. (Ord. of 3-7-89, art. 8; Ord of 1-2-01)

**Sec. 21-77. Use of public sewers required.**

The following requirements are established for the use of public sewers:

- (1) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in sanitary working condition.
- (2) No person shall dispose of human excrement except in a toilet.
- (3) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (4) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (5) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the city's jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 30 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line and access is available.

- (6) All sinks, dishwashing machines, lavatories, basins, shower/baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used. (Ord. of 3-7-89, art. 3)

**Sec. 21-78. Service Charges.**

(a) *Need.* It is necessary to fix and collect sewer service charges, pretreatment surcharges, and other related fees from customers. Such charges shall be published separate from this article and the revenue received shall be used for operation, maintenance, debt retirement, and other authorized expenses.

(b) *Pretreatment charges and fees.* The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

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

(c) *Establishment of limits for imposing surcharges.* All persons discharging industrial wastes into the public sewers shall be charged and assessed a surcharge, in addition to any sewer service charges, if these wastes have a concentration greater than the following:

CONSTITUENT	UNITS	CONCENTRATION
Biochemical oxygen demand	mg/l	Over 250
Total suspended solids	mg/l	Over 250

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The amount of the surcharge, which is hereby charged and assessed against all persons discharging industrial wastewater into the public sewers, shall reflect the cost incurred by the city in handling the excess wastes. This surcharge shall include a proportionate share of charges for maintenance and operation of the water pollution control facilities including depreciation and other incidental expenses.

(d) *Formula determining surcharges.* When any or all of the constituents enumerated in paragraph (c) exceed the concentration levels given, the city shall calculate surcharges based on the following formula:

$$\text{Amount of surcharge} = \text{combined cost factors} \times \text{effluent flow (mgd)}$$

The cost factor for each constituent shall be determined by multiplying the quantity of the constituent in excess of the surcharge limit by the average annual cost of removal of one pound of the constituent. The rates of surcharges for each of the aforementioned constituents shall be determined annually by the city in order that the above factors may correctly represent current treatment costs. The industrial waste surcharge cost factors shall not be increased in any year by more than 20 percent of the charge for the preceding year without written approval of the council.

(e) *Rates and fees available.* All sewer service charges, surcharges, pretreatment fees, and any other related fees shall be available for review at city hall.  
(Ord. of 3-7-89, § 11.2; Ord of 1-2-01)

### **Secs. 21-79 – 21-100. Reserved.**

## DIVISION 2. PRIVATE WASTEWATER DISPOSAL

### **Sec. 21-101. When required.**

Where a public sanitary sewer is not available under the provisions of Section 21-77, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the state department of human resources.  
(Ord. of 3-7-89, § 4.1; Ord. of 4-2-91, § 4.1)

### **Sec. 21-102. Discontinuance; connection to public sewer.**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.

(Ord. of 3-7-89, § 4.6; Ord. of 4-2-91, § 4.2)

### **Sec. 21-103. Maintenance.**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. of 3-7-89, § 4.7; Ord. of 4-2-91, § 4.3)

### **Sec. 21-104. Subsurface facilities restricted.**

No subsurface disposal facilities shall be installed in any place where the health officer deems the use of such facilities to be a menace to human health or well being.

(Ord. of 3-7-89, § 4.8; Ord. of 4-2-91, § 4.4)

### **Sec. 21-105. Flush toilets required.**

Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(Ord. of 3-7-89, § 4.9; Ord. of 4-2-91, § 4.5)

### **Sec. 21-106. Privies prohibited.**

No pit privy shall be allowed within the city.

(Ord. of 3-7-89, § 4.10; Ord. of 4-2-91, § 4.6)

### **Sec. 21-107. Discharge of septic tanks in sewer systems.**

(a) *Restricted.* It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the city sewer system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in subsection (b) of this section.

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(b) *Permits.* The city is hereby authorized to grant permits to discharge the contents of septic tanks at locations specified by the city. Such permits may be revoked at any time if, in the opinion of the city, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment process.

(c) *Charges.* A charge shall be made for the privilege of dumping the contents of septic tanks, as provided in separate rules. A record shall be kept of such dumpings and statements rendered at the first of each month. The amount of such statements shall be payable within ten days after rendition. Failure to pay the accounts due within such ten-day period shall be cause for revoking the permit.

(d) *Direct connection to sewers.* Upon application to and recommendation of the city, the clarified effluent of a septic tank may be directly connected to the public sewer. Ownership, care, and maintenance shall continue to be the responsibility of the customer. No charge for dumping, as outlined in paragraph (c) of this section shall be made provided the proper permit is completed for each instance in which dumping becomes necessary. The customer will be responsible for normal sewer service charges as outlined in Section 21-78.

(Ord. of 3-7-89, § 4.11; Ord. of 4-2-91, § 4.7)

### **Sec. 21-108. Alternative and experimental on-site sewage management systems.**

(a) *General information.* The city recognizes that on-site sewage management systems employing solids retention and on-site soil absorption of sewage effluent, if designed properly and installed in suitable soil, are usually ecologically safe and do adequately protect the public health.

- (1) The city further recognizes that substantial portions of our jurisdiction's undeveloped land area are marginally suitable or totally unsuitable for conventional septic tank systems, and that continued installation of such systems will have a detrimental effect on the public health. Where appropriate, and after thorough assessment of alternatives, the city will consider alternative on-site sewage management systems and/or modifications for areas with soils which may have marginal suitability in their present condition, including community-managed on-site sewage management systems and

combinations of public or community sewage treatment systems and on-site sewage management systems.

- (2) When considering proposals for alternative on-site sewage management systems, priority shall be given to those situations where the alternative system will resolve an existing sewage management problem. Any person or community desiring to install an alternative on-site sewage management system shall submit the following to the city:
  - a. Plans and specifications, along with any engineering, laboratory, or field data required.
  - b. Information as required on the application for an individual on-site sewage management system construction permit, and any additional information as may be required by the city. If the proposal for the system is approved, the person making application will be informed by the city of any requirements for maintenance, and any monitoring procedures deemed necessary by the city. Reduction of water usage by the installation of water conserving fixtures and devices should be considered in overall strategy.
- (3) *Experimental on-site sewage management systems.* The city may consider proposals for the use of experimental on-site sewage management systems. Acceptance or denial of such proposals shall depend on many site and system specific-factors, including a primary consideration that the remainder of the site is suitable for a conventional septic tank system in the event of failure of the experimental system.

(Ord. of 3-7-89, § 4.12; Ord. of 4-2-91, § 4.8)

### **Sec. 21-109. Correction of non-functioning facility.**

Any premise that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within 30 days from the receipt of written notification from the city that such system is not functioning in a sanitary manner, and order that such system be corrected.

(Ord. of 3-7-89, § 4.12; Ord. of 4-2-91, § 4.9)

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### **Sec. 21-110. Connection to public system prohibited.**

Premises with private water systems shall not be connected with the public sewerage system.  
(Ord. of 3-7-89, § 4.13; Ord. of 4-2-91, § 4.10)

### **Sec. 21-111. Additional requirements.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the city.  
(Ord. of 3-7-89, § 4.14; Ord. of 4-2-91, § 4.11)

### **Secs. 21-112 – 21-125. Reserved.**

## DIVISION 3. BUILDING SEWERS AND CONNECTIONS

### **Sec. 21-126. Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.  
(Ord. of 3-7-89, § 5.1)

### **Sec. 21-127. Permit application.**

The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the city. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.  
(Ord. of 3-7-89, § 5.2)

### **Sec. 21-128. Liability for costs; indemnification of city.**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer.  
(Ord. of 3-7-89, § 5.3)

### **Sec. 21-129. Single connection required.**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(Ord. of 3-7-89, § 5.4)

### **Sec. 21-130. Use of old materials.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works director, to meet all requirements of this article.

(Ord. of 3-7-89, § 5.5)

### **Sec. 21-131. Specifications for construction.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the Standard Plumbing Code as written by Southern Building Code Congress International, Inc., or other applicable rules and regulations of the state, Carroll County and the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

(Ord. of 3-7-89, § 5.6; Ord. of 4-2-91)

### **Sec. 21-132. Point of connection.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 3-7-89, § 5.7)

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### **Sec. 21-133. Surface runoff restricted.**

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer unless such connection is approved for purposes of disposal of polluted surface drainage. (Ord. of 3-7-89, § 5.8)

### **Sec. 21-134. Inspections.**

The applicant for the building sewer permit shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the public works director or his representative. (Ord. of 3-7-89, § 5.9)

### **Sec. 21-135. Excavations.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. of 3-7-89, § 5.10)

### **Sec. 21-136. Determination of availability, costs.**

The city will define the availability of sewers and any costs associated with sewer permits or construction. (Ord. of 3-7-89, § 5.11)

### **Sec. 21-137. Specifications for connections.**

The connection of the building sewer into the public sewer shall conform to the requirements of the Standard Plumbing Code as written by Southern Building Code Congress International, Inc., or other applicable rules and regulations of the state, Carroll County and the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the public works director before installation.

(Ord. of 3-7-89, § 5.12; Ord. of 4-2-91)

### **Sec. 21-138. Infiltration, inflow from building drain, sewer.**

If any building drain and/or building sewer permits the entrance of infiltration or inflow, the city may:

- (1) Require the owner to repair the building drain and/or building sewer.
- (2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property.
- (3) Require the owner to disconnect his sewer from the city sewer system.

(Ord. of 3-7-89, § 5.13; Ord. of 4-2-91)

### **Secs. 21-139 – 21-150. Reserved.**

## DIVISION 4. USE RESTRICTIONS AND REGULATIONS

### **Sec. 21-151. General sewer use requirements.**

(a) *Prohibited discharge standards.*

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

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

- a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Examples of prohibited wastes include but, are not limited to, gasoline, benzene, naphtha, fuel oil, or flammable or explosive liquid, solid, or gas;
- b. Any waters or wastes having a pH lower than 6.0 or greater than 9.0, or

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- having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW;
- c. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
  - d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - e. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant and/or lift station to exceed 104°F (40°C);
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - g. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals create a public nuisance, result in the presence of toxic gases, vapors, or fumes, or create any hazard in the receiving waters of the wastewater treatment plant.
  - h. Trucked or hauled pollutants, except at discharge points designated by the city in accordance with paragraph 21-162(e) of this article;
  - i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
  - k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  - l. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city;
  - m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - n. Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
  - o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
  - p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
  - q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; or
  - r. 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 5% or any single reading over 10% of the lower explosive limit of the meter.
- 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.
- (b) *National categorical pretreatment standards.* The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby incorporated.
- (1) Where a categorical pretreatment standard is expressed only in terms of

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- either the mass or the concentration of a pollutant in wastewater, the city may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
  - (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
  - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (c) *Reserved.*
- (d) *Local limits.* The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:
- 40.0 mg/L Total Kjeldahl Nitrogen
  - 0.23 mg/L arsenic
  - 32 mg/L barium
  - 250 mg/L BOD5
  - 0.008 mg/L cadmium
  - 0.446 mg/L chromium
  - 0.05 mg/L copper
  - 0.082 mg/L cyanide
  - 0.025 mg/L lead
  - 0.002 mg/L mercury
  - 0.33 mg/L nickel
  - 0.092 mg/L molybdenum
  - 100 mg/L oil and grease
  - 7.0 mg/L phosphorus
  - 0.008 mg/L selenium
  - 0.19 mg/L silver
  - 8.9 mg/L total phenols
  - 250 mg/L total suspended solids
  - 0.21 mg/L zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The city may impose mass limitations in addition to, or in place of, the concentration-based limitations above. In lieu of the limits, the city may impose high strength surcharges on conventional pollutants. (ORD-10-03-CCO 4-6-10).

(e) *City's right of revision.* The city reserves the right to establish, by article or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(f) *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 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. of 3-7-89, § 6.3, 6.12)(Ord of 1-2-01)

### **Sec. 21-152. Restricted discharges—Unpolluted waters.**

No person shall discharge or cause to be discharged any unpolluted waters such as cooling water, or unpolluted industrial process waters to any sanitary sewer without the written consent of the city.

(Ord of 1-2-01)

### **Sec. 21-153. Prohibited discharges—Sanitary wastewaters.**

No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system.

(Ord. of 3-7-89, § 6.2)

### **Sec. 21-154. Limited discharges.**

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an

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adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:

- (1) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (2) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (3) All industrial discharges to the city sewer system must comply with the federal industrial pretreatment standards (40 CFR 403) and those industrial pretreatment standards developed by the state environmental protection division.
- (4) Any waters or wastes containing taste- or odor-producing substances exceeding limits which may be established by the city.
- (5) Quantities of flow, concentrations, or both which constitute a slug.
- (6) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. of 3-7-89, § 6.4)

### **Sec. 21-155. Control of hazardous wastes.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which in the judgment of the city, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require surcharge payment to cover added cost of handling and treating the wastes.

(Ord. of 3-7-89, § 6.5)

### **Sec. 21-156. Control structure.**

(a) When required by the city the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with approved plans. As a minimum, the structure shall be weather-tight, and include a permanent access ladder, explosion proof lighting and ventilation blowers, two 20 ampere ground fault interrupter circuit 110 volt outlets, and any other suitable appurtenances as required. The structure shall include an open channel measuring flume or weir, whichever is most appropriate for waste flow and content characteristics. The metering device shall have a permanent built-in bubble tube for flow measurement. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe, accessible, and fully operational at all times. This requirement will be on a case-by-case basis.

(b) In the event that no special manhole is required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. of 3-7-89, § 6.7, 6.14)

### **Sec. 21-157. Required information regarding discharges.**

The industrial users may be required to provide information needed to determine compliance with this article. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period;
- (2) Chemical analyses of wastewaters;

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- (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
  - (6) Details of wastewater pretreatment facilities; and
  - (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.
- (Ord. of 3-7-89, § 6.8)

### **Sec. 21-158. Wastewater discharge permit application.**

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

(b) *Wastewater discharge permitting—Required.*

- (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the city, except that a significant industrial user that has filed a timely application pursuant to paragraph (c) of this section may continue to discharge for the time period specified therein.
- (2) The city may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in division I. of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(c) *Same—Existing connections.* Any user required to obtain a wastewater discharge permit

who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the city for a wastewater discharge permit in accordance with paragraph (e) of this section, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the city.

(d) *Same—New connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with paragraph (e) of this section, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(e) *Same—Application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The city may require all users to submit as part of an application the following information:

- (1) All information required by Section 21-163(a)(2) of this article;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the city to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

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(f) *Wastewater discharge permit decisions.* The city will evaluate the data furnished by the user and may require additional information. Within 90 days of receipt of a complete wastewater discharge permit application, the city will determine whether or not to issue a wastewater discharge permit. The city may deny any application for a wastewater discharge permit.  
(Ord of 1-2-01)

### **Sec. 21-159. Wastewater discharge permit issuance process.**

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

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

- (1) Wastewater discharge permits must contain:
  - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
  - b. A statement that the wastewater discharge permit is nontransferable;
  - c. Effluent limits based on applicable pretreatment standards;
  - d. 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
  - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance

beyond that required by applicable federal, state, or local law.

- (2) Wastewater discharge permits may 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 nonroutine 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 to ensure compliance with this article, and state and federal laws, rules, and regulations.

(c) *Wastewater discharge permit appeals.* The city shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within 14 days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

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- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (4) If the city fails to act within 14 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
  - (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the superior court for Carroll or Douglas county within the time permitted by law.
    - (d) *Wastewater discharge permit modification.* The city may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
      - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
      - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
      - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
      - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
      - (5) Violation of any terms or conditions of the wastewater discharge permit;
      - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
      - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
      - (8) To correct typographical or other errors in the wastewater discharge permit; or
      - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.
    - (e) *Wastewater discharge permit transfer.* Wastewater discharge permits may not be transferred to a new owner.
    - (f) *Wastewater discharge permit revocation.* The city may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
      - (1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge;
      - (2) Failure to provide prior notification to the city of changed conditions pursuant to paragraph 21-163(e) of this article;
      - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
      - (4) Falsifying self-monitoring reports;
      - (5) Tampering with monitoring equipment;
      - (6) Refusing to allow the city timely access to the facility premises and records;
      - (7) Failure to meet effluent limitations;
      - (8) Failure to employ or retain the services of a certified wastewater operator or a certified industrial wastewater operator;
      - (9) Failure to pay fines or surcharges;
      - (10) Failure to pay sewer charges;
      - (11) Failure to meet compliance schedules;
      - (12) Failure to complete a wastewater survey or the wastewater discharge permit application;
      - (13) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
      - (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
- Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
- (g) *Wastewater discharge permit reissuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit

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reissuance by submitting a complete permit application, in accordance with paragraph 21-158(e) of this article, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

(h) *Regulation of waste received from other jurisdictions.*

- (1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an inter-municipal agreement with the contributing municipality.
- (2) Prior to entering into an agreement required by paragraph 1, above, the city shall request the following information from the contributing municipality:
  - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - b. An inventory of all users located within the contributing municipality that are discharging to the POTW;
  - c. A copy of the municipalities pretreatment program as approved by the state; and
  - d. Such other information as the city may deem necessary.
- (3) An inter-municipal agreement, as required by paragraph (1), above, shall contain the following conditions:
  - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in paragraph 21-151(d) of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;
  - b. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
  - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city; and which of these activities will be conducted jointly by the contributing municipality and the city;
  - d. A requirement for the contributing municipality to provide the city with

access to all information that the contributing municipality obtains as part of its pretreatment activities;

- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing municipality's discharge;
- g. A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the manager; and
- h. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

(Ord of 1-2-01)

### **Sec. 21-160. General permits.**

The city may issue a general permit on a case by case basis to any industrial or commercial user. Processes which are subject to a general permit include, but are not limited to, interceptors (such as sand or grease traps), silver reclamation (such as in photo processing), and mercury recovery (such as in hospitals and dental offices).

(Ord of 1-2-01)

### **Sec. 21-161. Special agreements, arrangements.**

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

(Ord. of 3-7-89, § 6.9)

### **Sec. 21-162. Pretreatment of wastes.**

(a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in paragraph 21-151(a) of this article within the time limitations specified by EPA, the state, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and

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maintained at the user's expense. Detailed plans describing such facilities, operating procedures, and maintenance plans shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. The review of such plans, operating procedures, and maintenance plans shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this article. The facilities shall be allowed to operate only as long as they are maintained in accordance with the approved maintenance plans.

(b) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) The city 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.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, sand, or other harmful ingredients; except that such interceptors shall not normally be required for residential users. All interception units shall be of type and capacity approved by the city and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. In the maintenance of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the city. At minimum, interceptors shall be maintained at least once every 90 days or more often if needed or if required by the

city manager. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms. The user shall be responsible for maintaining records detailing the dates of service, quantity of waste removed, end disposal site of waste, and hauler.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (5) All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operation by the owner at his expense. O&M records shall be made available to the city immediately upon request.

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

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city of any accidental or slug discharge, as required by paragraph 21-163(f) of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) *Reuse and disposal.* Users shall provide for the proper reuse and/or disposal of all wastes, sludges, and other by-products of pretreatment in accordance with state and federal regulations. A chain-of-custody shall be used to track by-products to their ultimate point of disposal or reuse.

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### (e) *Hauled wastewater.*

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the city, and at such times as are established by the city. Such waste shall not violate Section 21-151 of this article or any other requirements established by the city. The city may require septic tank waste haulers to obtain wastewater discharge permits.
- (2) The city shall require haulers of industrial waste to obtain wastewater discharge permits. The city may require generators of hauled industrial waste to obtain wastewater discharge permits. The city also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (3) Industrial waste haulers may discharge loads only at locations designated by the city. No load may be discharged without prior consent of the city. The city may collect samples of each hauled load to ensure compliance with applicable standards. The city may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) 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. of 3-7-89, § 6.6, 6.11; Ord of 1-2-01)

### **Sec. 21-163. 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 a report which contains the information listed in paragraph 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 a report which contains the information listed in paragraph (2)a-e., 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).
  - 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, 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 paragraph (j) of this section.

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3. Sampling must be performed in accordance with procedures set out in paragraph (k) of this section.
  - f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in paragraph (b) of this section.
  - h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with Section 21-165 of this article.
- (b) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by paragraph (a)(2)g. of this section:
- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  - (2) No increment referred to above shall exceed nine months;
  - (3) The user shall submit a progress report to the city no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than three months elapse between such progress reports to the city.
- (c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in paragraph (a)(2)d.-f. of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 21-165 of this article.
- (d) *Periodic compliance reports.*
- (1) All significant industrial users shall, at a frequency determined by the city but in no case less than twice per year (in February and August unless otherwise specified), 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 21-165 of this article.
  - (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
  - (3) If a user subject to the reporting requirement in this section monitors any pollutant more

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frequently than required by the city, using the procedures prescribed in section paragraph (j) of this section, the results of this monitoring shall be included in the report.

(e) *Reports of changed conditions.* Each user must notify the city 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 90 days before the change.

- (1) The city 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 paragraph 21-158(e) of this article.
- (2) The city may issue a wastewater discharge permit under paragraph 21-158(f) of this article or modify an existing wastewater discharge permit under paragraph 21-159(d) of this article 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% or greater, and the discharge of any previously unreported pollutants.

(f) *Reports of potential problems.*

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

- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all 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 as the city may require.

(h) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the city immediately upon 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 within 30 days after becoming aware of the violation. The city may waive this requirement at his discretion.

(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 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 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 twelve 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

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changed conditions must be submitted under paragraph (e) of this section. 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 paragraphs (a), (c), and (d) of this section.

- (2) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the city, 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 article, a permit issued thereunder, or any applicable federal or state law.
- (6) The discharge of hazardous waste to the POTW is prohibited without prior written consent from the city.

(j) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an

applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(k) *Sample collection.*

- (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 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, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

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

(m) *Record keeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. In addition, a chain-of-custody will be used to track each sample from the time it is sampled until testing is complete and the sample is disposed of. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city. All forms used for record keeping shall be subject to the approval of the city.

(Ord of 1-2-01)

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### **Sec. 21-164. Confidential information.**

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

### **Sec. 21-165. Signatories and certification.**

Wastewater discharge permit applications, user reports, and all other documents submitted by the user must be signed by an authorized representative of the user and contain the following certification statement:

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

possibility of fine and imprisonment for knowing violations."

(Ord of 1-2-01)

### **Sec. 21-166. Waiver of requirements.**

There shall be no provision for the granting of variances for discharge of incompatible wastes. If a user begins to violate any of the provisions of this division, it shall be his responsibility to apply to the city who can issue a temporary permit along with a compliance schedule for planning and construction of necessary treatment or pretreatment works. Each case will be carefully evaluated with respect to its effect on the wastewater treatment system and the environment prior to issuance of a temporary permit and compliance schedule.

(Ord. of 3-7-89, § 6.12)

### **Sec. 21-167. Discontinuance of service for failure to comply.**

Failure to comply with the provisions of this division shall be cause for the discontinuance of sewer or water service to the offending person. The procedure shall be as follows: A written notice, signed by the city, shall be delivered personally to the person then responsible for the offending use, outlining the conditions of the wastes which violate the city ordinances. In the event that the person in charge will not accept the notice, it shall be conveyed by registered mail to the responsible person. The person notified shall have 24 hours from the time of receipt of the notice, either personally delivered or received by registered mail, to correct the offending conditions. If correction is not made or a request for extension is not received by the city within 24 hours, it shall be mandatory that water or sewer service shall be discontinued to the offending person without further notice. If a request for an extension of time is received by the city, within 24 hours of the above notice and if circumstances are such that, in the opinion of the city, the best interest of the city would be served by extending the time for correction of the offending condition, then he may grant an extension of time up to a maximum limit of 30 days.

(Ord. of 3-7-89, § 6.13)

### **Sec. 21-168. Unpolluted waters.**

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In the event that a customer is found to be diluting or equalizing wastewater with unpolluted waters, the city shall have the right, in the first such instance of violation, to double all service charges and surcharges for the month in which such violation is found to have occurred. In the event of subsequent instances of such violations, the city shall have the right to discontinue service in accordance with the procedure as set forth in Section 21-167.

(Ord. of 3-7-89, § 6.15)

### **Sec. 21-169 . Upset.**

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user contacts the city immediately upon becoming aware of the upset and provides the following:
  - a. A description of the indirect discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) The user shall submit the information required in paragraphs (c)(3)a.-c. to the city in writing within five days.

(e) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(f) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(g) Users shall control production of all discharges to the extent necessary to maintain compliance with all pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord of 1-2-01)

### **Sec. 21-170. Prohibited discharge standards.**

Any industrial user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation, shall inform the city thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

- a. A description of the upset, its cause(s), and impact on the discharger's compliance status;
- b. The duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonable expected to be restored; and
- c. All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the city for any noncompliance with this ordinance, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the

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documented and verified upset. (ORD 10-03-CC0 4-6-10).

### **Sec. 21-171. Bypass.**

All industrial customers shall provide facilities and institute procedures as are reasonably necessary to prevent or minimize the potential for planned or accidental discharge (bypass) to the sewage treatment plant from liquid or raw material storage areas, from truck and rail car loading and unloading areas, in-plant transfer or processing and material handling areas, and diked areas or holding ponds.

- (1) For the purposes of this Section,
  - a. "Bypass" means the intentional diversion of waste streams, whether planned or accidental, from any portion of a user's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) *Bypass allowed.* 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 subparagraphs (3) and (4) of this Section.
- (3) *Advance knowledge of bypass.*
  - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least ten days before the date of the bypass, if possible.
  - b. A user shall submit oral notice to the city of an unanticipated bypass that exceeds applicable pretreatment standards immediately upon becoming 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 may waive the written report on a case-by-case basis if the oral report has been received.

#### (4) *Bypass prohibited.*

- a. Bypass is prohibited, and the city may take an enforcement action against a user for a bypass, unless
  1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  3. The user submitted notices as required under subparagraph (3) of this Section.
- b. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in subparagraph (4)a. of this Section.

(Ord of 1-2-01)

### **Sec. 21-172. Effective date.**

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

## DIVISION 5 COMMERCIAL WASTE HANDLING ORDINANCE

### **Sec. 21-191 Purpose**

(a) Excessive amounts of fats, oils and grease, grit, sand and other solid or viscous materials can cause blockage and obstruction in the sanitary sewer system, causing untreated wastewater to overflow into the environment. Much of the waste material that has the potential to cause blockage or obstruction originates from commercial facilities,

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such as food preparation and vehicle maintenance facilities.

(b) This ordinance sets forth minimum and uniform requirements for the treatment and disposal of commercial waste into the sanitary sewer system, and the transportation and ultimate disposal of commercial waste sludge and byproducts.

(c) The objective of this ordinance is:

- (1) to minimize the discharge of pollutants associated with commercial waste discharged into the sanitary sewer system that may interfere with normal operation of the system, and
- (2) to assure that the sludge and byproducts removed from commercial waste treatment systems are transported and disposed of in accordance with Chapter 391-3-6-.24 of the Rules and Regulations of the State of Georgia, Department of Natural Resources, Environmental Protection Division.

(ORD-08-09-ADM)

### **Sec. 21-192 Definitions and Abbreviations**

All terms used in this Ordinance shall be interpreted in accordance with the definitions and abbreviations as set forth in this Section, or in any other Section of this Ordinance:

(a) Definitions

- (1) "Commercial facilities" means a facility constructed and intended to produce commercial, domestic, or industrial wastewaters, including facilities intended to collect, transport, and treat storm water runoff.
- (2) "Commercial Wastes" means:
  - a. Non-toxic, non-hazardous liquid wastewater from commercial facilities;
  - b. Grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, grease, and food scraps; or
  - c. Any oil waste residue produced from vehicle maintenance or washing that discharge to an oil-water separator or sand trap;
- (3) "Commercial Waste Discharge Permit" is a wastewater discharge permit issued to commercial facilities by the local governing authority.

- (4) "Commercial Waste Transporter Permit" is a permit issued by a local governing authority for an individual tank truck.
- (5) "EPD" means the State of Georgia, Environmental Protection Division.
- (6) "FOG" means fats, oils, and grease.
- (7) "FOG Separator" means a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes.
- (8) "Grease Interceptor": means a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes.
- (9) "Grease Trap" refers to an FOG separator.
- (10) "Grit Trap" means a structure or device designed primarily for the accumulation and removal of grit.
- (11) "Hazardous Waste" means any solid waste that has been defined as a hazardous waste in regulation promulgated by the Board of Natural Resources, Chapter 391-3-11.
- (12) "LGA" means local governing authority.
- (13) "Local Governing Authority" means the governing authority of a county or municipality, or the designee of any county or municipality in this state. The local governing authority for a county would typically be the County Board of Commissioners and for a municipality would typically be the City Council.
- (14) "mg/l" means milligrams per liter.
- (15) "Oil-water separator" means a structure or device designed primarily to collect and retain oily substances.
- (16) "Originator" means the owner or operator of the grease or FOG interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.
- (17) "Registration" means acceptance by the Division of a transporter.
- (18) "Registered Commercial Waste Transporter" is a business/owner registered by the State of Georgia, Environmental Protection Division and whose tank trucks are permitted by a local governing authority.
- (19) "Sand Trap" means a receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.

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- (20) "Septic Wastes" means the contents of a septic tank.
  - (21) "Transporter" means any person or firm, which owns or operates one or more waste tank trucks that receive or dispose of commercial waste in this state.
  - (22) "Tank truck" means any vehicle that removes and transports commercial wastes.
  - (23) "User" means any person who contributes, causes, or permits the contribution of wastewater into the sanitary sewer system.
- (b) Abbreviations
- (1) FOG – Fats, oil and grease.
  - (2) EPD – Environmental Protection Division of the Department of Natural Resources, State of Georgia.
  - (3) LGA – Local governing authority.  
(ORD-08-09-ADM)

### Sec. 21-193 Coverage and Exclusions

(a) This ordinance applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial wastes for final disposal.

(b) This ordinance applies only within the geographical, political, and service area boundaries of the LGA.  
(ORD-08-09-ADM)

### Sec. 21-194 Requirements

(a) General

- (1) Responsibility - It is the responsibility of the originator to assure that the commercial waste removed from the originator's facility is properly treated and discharged to the sewer system, wastewater, sludge and byproducts are transported by a permitted transporter, and disposed of at an EPD approved commercial waste processing and disposal facility.

The originator of commercial waste shall not allow a transporter to remove waste from their facility without a current commercial waste transporter permit issued by an LGA.

- (2) Permitting Process - There are two types of permits required under this Ordinance;

Commercial Waste Discharge Permit (Originator) and Commercial Waste Transporter Permit.

The permits for the originator and transporter are issued by the LGA under this Ordinance. However, prior to obtaining a Commercial Waste Transporter Permit, the transporter must first register as a transporter of commercial waste with the EPD and obtain a Transporter registration number. This registration number must be included in the permit number issued by the LGA.

Specific details related to permits are covered later in this Ordinance.

- (3) Manifest Required - All originators, transporters, and processing and disposal site operators, involved in the removal, transport, and disposal of commercial wastes and commercial waste sludge and byproducts, shall participate in proper maintenance of manifests. This manifest will require signatures from the originator, transporter and disposer in order to maintain and establish accountability. The approved manifest is a multi-copy form. An approved sample manifest is included as Table 21.1 – Approved Manifest.

a. The originator shall:

- 1. Sign the received manifest form and maintain such record for a period of three years.
- 2. Upon receipt of the completed copy of the manifest from the transporter, the originator must provide a copy of the manifest within seven (7) days to the LGA. A manifest is considered complete after the commercial waste is delivered and disposed of at the commercial waste disposal or processing facility, and the manifest has been signed and completed by the disposal or processing facility.
- 3. Keep a copy of all manifests for a period of three (3) years on site and shall make available for inspection by the LGA.
- 4. Report any spills to the LGA upon becoming aware of a spill that could impact any surrounding areas such as storm drains, adjacent streams or ground surface where the transporter has removed waste from the facility's pretreatment system.

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Failure to notify the LGA of a spill will constitute a violation and fines may be assessed to the commercial waste originator as well as the transporter.

b. The transporter shall:

1. Utilize a manifest for each location being serviced.
  2. Sign the transporter portion of the manifest and leave a copy of the manifest with the originator.
  3. Present the manifest to the disposal operator to complete and sign the disposal section, and shall leave one copy of the manifest with the disposal site operator.
  4. Send a completed copy of the manifest to the originator with the signature of the disposal site operator within 30 days.
  5. Keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and shall maintain such records for a period of three years; except that the transporters manifest (or copy thereof) covering not less than the immediately preceding 30 day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.
  6. Ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the Division.
  7. A transporter must remove the entire contents of any commercial tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, only at a facility authorized to receive such waste.
  8. A transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.
- c. A processing or disposal facility of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

(4) Limitations – No user shall introduce into the sewer system any materials in an amount which would cause interference with the system. In addition to any limitations set forth in the pretreatment ordinance, no user shall introduce or cause to be introduced into the sewer system the following:

- a. Solid or viscous materials in amounts which will cause obstruction of the flow to the sanitary sewer system
- b. Petroleum or mineral oils in concentrations greater than 100 mg/l.
- c. Trucked or hauled materials, except at approved points that may be designated by the LGA as commercial waste disposal facilities.
- d. FOG of animal or vegetable origin in concentrations greater than 100 mg/l.

(b) Originator

(1) Food Service Establishment.

- a. Permit Required – No food service establishment shall discharge commercial wastewater into the sanitary sewer system without a Commercial Waste Discharge Permit issued by the LGA. Application for such permit must be made on a form furnished by the LGA. The permit is valid for up to three years and is non-transferable. A copy of the application is included as Table 21.2 – Permit Application Form. A sample copy of the permit is included as Table 21.3 – Sample Permit.
- b. FOG Separator Required – All new restaurants, institutional kitchens, or other food service establishments defined as Commercial users of the system, shall provide approved FOG and settleable solids removal equipment or facilities sufficient to meet the limitations set forth in this Ordinance. The number and size(s) of the system shall be determined by using the appropriate method as established in Table 21.4 – FOG Separator Sizing, or by good engineering practices. Existing Commercial users will be assessed on an individual basis, and will require approval of LGA.
- c. The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the sepa-

## WATER AND SEWERAGE

- rator(s) shall be installed with traffic bearing covers. Manhole openings must be provided for inspection and cleaning purposes.
- d. The equipment or facilities shall be installed and maintained by the Originator.
  - e. Alternative Treatment Methods – The use of any alternative method of treatment is prohibited without written approval of the LGA. Alternative treatment systems, such as mechanical grease recovery devices, shall be used only after a case by case evaluation and authorization of the LGA.
  - f. The use of chemicals, enzymes and bacteria is prohibited, unless authorized by the LGA. The use of any additives shall not be considered as an alternative to an adequate treatment system or in lieu of regular maintenance, as prescribed in this Ordinance.
  - g. Maintenance Required – All FOG separators shall be maintained at the originators expense. Maintenance shall include the complete removal of all contents of the separator. All FOG separators shall be pumped out at a minimum of once every ninety (90) days for outside interceptors, once every thirty (30) days for inside interceptors, or more frequently as required by the LGA, or as established in the Commercial Waste Discharge Permit.
- (2) Maintenance and Service Facilities.
- a. Permit Required – No maintenance or service facility shall discharge commercial wastewater into the sanitary sewer system without a Commercial Waste Discharge Permit provided by the LGA. Application for such permit must be made on a form furnished by the LGA. The permit is valid for up to three years and is non-transferable. A copy of the application is included as Table 21.2 – Permit Application Form. A sample copy of the permit is included as Table 21.3 – Sample Permit.
  - b. Sand/Oil Separator Required – All maintenance or service facilities defined as Commercial users of the system, shall provide approved oil and solids removal equipment or facilities sufficient to meet the limitations set forth in this Ordinance. The type, number and size(s) of the system shall be determined by current plumbing codes or good engineering practices.
  - c. The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers. A manhole opening must be provided over the discharge pipe for inspection purposes. A separate monitoring manhole may be required by the LGA.
  - d. The equipment or facilities shall be installed and maintained by the Originator.
  - e. Maintenance Required–All separators shall be maintained at the originators expense. Maintenance shall include the complete removal of all contents of the separator. All separators shall be pumped out at a minimum of once every ninety (90) days for outside interceptors, once every thirty (30) days for inside interceptors, or more frequently as required by the LGA.
- (c) Transporter
- (1) Registration Required - Any transporter, owning or operating one or more waste tank trucks that receive, transport or dispose of commercial waste in this LGA, must be registered with EPD.
  - (2) Permit Required –
    - a. No transporter shall pump-out or vacuum FOG separators, grit traps, sand traps, or oil-water separators without a valid commercial waste transporter permit issued by an LGA.
    - b. Application for the permit must be made on a form prescribed by the EPD. A copy of the Transporter Permit Application is provided in Table 21-5 – Transporter Permit Application.
    - c. The transporter shall include the location of the disposal site(s) on the commercial waste transporter permit application.
    - d. No commercial waste transporter permit shall be issued if the owner of the tank truck(s) is not registered with EPD.

## WATER AND SEWERAGE

- e. A commercial waste transporter permit shall be required for each individual tank truck owned and operated by a transporter.
  - f. The commercial waste transporter permit issued by the LGA for operation of a tank truck shall be valid throughout the state.
  - g. A transporter, who has trucks permitted by an LGA, and who decides to have additional trucks permitted by another LGA, must provide copies of the current commercial waste transporter permits with the new commercial waste transporter permit application.
  - h. A transporter cannot have two tank trucks permitted with the same commercial waste transporter permit number.
  - i. This registration number shall be part of the commercial waste transporter permit number issued by the LGA. Every vehicle that transports commercial waste must display on the vehicle the FOG/permit number.
- (3) Transporter Permit Fees – A transporter permitting fee will be assessed on an annual basis at a rate of \$250 for the first truck and \$100 for each additional truck, payable to the LGA.
- (4) Vehicle Inspection – Annually the LGA shall inspect each tank truck prior to the issuance of a commercial waste transporter permit. Such inspection shall verify that the tank truck is substantially leak proof, durable, of easily cleaned construction, and is maintained in good repair. The LGA shall maintain records of each inspection. A copy of a sample vehicle inspection form is provided as Table 21.6 – Vehicle Inspection Form.

### Sec. 21-195 Fees

Permit application fee - \$145.00

Reinspection fee - \$100.00  
(ORD-08-09-ADM)

### Sec. 21-196 Enforcement

#### (a) Inspection and Entry

- (1) Representatives of the LGA, after proper identification, shall be permitted to enter the premises of any originator, transporter,

processor, or disposal site in this LGA at any reasonable time for the purpose of making inspections to determine compliance with this ordinance or the commercial waste transporter permit.

- (2) Representatives of the LGA, during inspections of the originator, transporter, processor, and the disposal site operator, may review records to determine compliance with provisions of these regulations.

- (3) The right of inspection shall include the right to measure, observe, sample test, record, review and make copies of all pertinent documents in accordance with this ordinance.

#### (b) Monitoring

When required by the LGA, the originator shall install an approved manhole on the discharge sewer to allow observation, sampling and flow measurement.

#### (c) Violations

- (1) Any person who violates any provision of this Ordinance, or any terms, conditions, schedule of compliance or other requirements contained in the respective permit, shall be subject to enforcement proceedings by the LGA pursuant to this ordinance.

- (2) Notwithstanding any other provisions of law, the LGA shall be authorized to impose a civil penalty not to exceed \$2,500 for each violation.

#### (d) Permit Revocation

- (1) Any permit issued by the LGA may be suspended, revoked or modified by the LGA, upon finding that the holder is not in compliance with the terms of the permit or other conditions outlined in this ordinance.

- (2) The permit may be reissued by the LGA upon remedy of the non-compliance that caused the suspension, revocation or modification of the permit.

### Sec. 21-196 Conflict With Other Ordinances

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

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(c) In the event a wastewater discharge is under the jurisdiction of an approved sewer use ordinance for another governing authority, the more constrictive requirement shall prevail.

(ORD-08-09-ADM)

### **Sec. 21-197 Ordinance In Force**

This ordinance shall be in full force and effect from and after its passage, approval, recording, the public welfare requiring it.

(ORD-08-09-ADM)

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Company name (Logo) address, phone, etc.

Manifest No. \_\_\_\_\_

**Commercial Waste Manifest**

**ORIGINATOR INFORMATION**

Originator Name \_\_\_\_\_ Contact Name \_\_\_\_\_

Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

City, State \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_

Customer # \_\_\_\_\_

Type of Trap: Grease Interceptor Oil/Water Separator Grit/Sand Trap Outside Inside

Other: \_\_\_\_\_ Trap Condition: \_\_\_\_\_

Tank #1 \_\_\_\_\_ gallons Tank #2 \_\_\_\_\_ gallons Service Frequency \_\_\_\_\_ Weeks

Tank #3 \_\_\_\_\_ gallons Tank #4 \_\_\_\_\_ gallons

**Generator Certifications:** I hereby certify that the wastes listed under this consignment are not hazardous, as defined in regulations promulgated by the State of Georgia, Dept. of Natural Resources, and that the type wastes and quantity indicated are fully accurate.

Originator Name (Printed)	Signature	Date	Time
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**TRANSPORTER INFORMATION**

Company \_\_\_\_\_ Driver Name \_\_\_\_\_

Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

City, State \_\_\_\_\_ Zip \_\_\_\_\_

FOG Permit #: \_\_\_\_\_ Truck #: \_\_\_\_\_

**Transporter Certification:** I hereby acknowledge receipt of the above listed waste and will transport and dispose of it in accordance with all applicable laws.

Driver Name (Printed)	Signature	Date	Time
-----------------------	-----------	------	------

**RECEIVER/DISPOSAL INFORMATION**

Disposal Name \_\_\_\_\_ Contact Name \_\_\_\_\_

Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

City, State \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_

EPD Approval/Permit # \_\_\_\_\_ NPDES # \_\_\_\_\_ I.A.S # \_\_\_\_\_

Solid Waste Handling # \_\_\_\_\_ Industrial Pretreatment Permit # \_\_\_\_\_

Total Quantity Received Gallons \_\_\_\_\_

**Certification of Receipt:** The above waste was received by this facility within the authorized property boundaries and will be processed, disposed of, or recycled in accordance with all applicable laws.

Disposal Name (Printed)	Signature	Date	Time
-------------------------	-----------	------	------

HAULER                  GENERATOR                  DISPOSAL                  GENERATOR                  COUNTY or INSPECTOR

Table 21.1  
Approved Manifest.

This manifest form was created by EPD and mandated by the State of Georgia.. Logo and address may be added where indicated, along with the State-Issued FOG permit number. Some information might not pertain to a specific

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business. In that case, it does not have to be included. All other information is to remain the same. Any changes or additions are not allowed unless approved by EPD.

Table 21.2  
Permit Application Form

**City of Villa Rica  
Food Service Establishment (FSE)  
Wastewater Discharge Permit Application**

<b>Name of Facility</b>								
<b>Name of Owner</b>				<b>Phone</b>				
<b>Name of Manager</b>				<b>Phone</b>				
<b>Mailing Address</b>								
<b>E-mail Address</b>								
<b>FSE Service Address*</b> (from water bill)				<b>Business License Number*</b>				
<b>Villa Rica FOG Account Number*</b>								
<b>*THIS INFORMATION IS REQUIRED IN ORDER TO PROCESS THE APPLICATION</b>								
<b>Type of Food Service Establishment (FSE)</b>								
Full Service Restaurant		Hospital		Church		Coffee Shop		
Fast Food Restaurant		School/College/Educational Institution		<u>Club/Organization</u>		<u>Grocery Store</u>		
Carry Out		<u>Bakery</u>		Nursing Home/Assisted Living/Senior Citizens				
<u>Cafeteria</u>		<u>Ice Cream Establishment</u>		<u>Other</u>				
<b>Hours</b>		Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>Types of Interceptor (check all that apply)</b>		<b>Quantity/Size</b>		<b>Status of Facility</b>				
Outside Grease Interceptor		/		Name of Contractor Installing Interceptor:				
Indoor Grease Trap		/		No Changes				
Automatic Grease Removal Device (GRD)		/		Change of Ownership				
Unknown		/		Renovated Facility				
Other:		/		<u>New Construction</u>				
<b>Hauler Company:</b>								
I certify under the penalty of perjury that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are								

WATER AND SEWERAGE

**CITY OF VILLA RICA  
COMMERCIAL WASTE DISCHARGE PERMIT**

Permit Holder Information

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

**Terms and Conditions**

- I. Grease interceptors are required for food serving establishments that meet any of the following criteria:
  - New Construction
  - Remodels, additions or repairs valued at or greater than \$75,000
  - Has caused or contributed to a grease related collection system blockage resulting in maintenance requirements and/or a sewage spill
- II. All new grease interceptors shall be designed, constructed and installed in accordance with the Georgia Plumbing Code, and shall have a sampling access point downstream of the interceptor.
- III. Each interceptor shall be maintained
  - By removing the entire contents of the interceptor each time it is pumped
  - To ensure proper operation, maintenance, and performance
  - At a minimum pumping frequency of once per ninety(90) days, or more frequently to ensure that the facility does not discharge, does not cause or contribute to a grease related collection system blockage resulting in maintenance requirements and/or a sewage spill
  - Through pumping by an EPD approved hauler
- IV. The permit holder shall retain maintenance records with the following information for each removal device located the premises. The records shall be kept a minimum of three years and provided to the City upon request.
  - Date of service
  - Volume Pumped
  - Name of EPD approved hauler
  - Approved waste grease disposal location
- V. The Permit Holder shall notify the City of Villa Rica Wastewater Department at (770) 459-7015 of any
  - Sale, lease, or transfer of the operation for which the permit was issued
  - Change of facility name
  - Changes to grease removal devices
  - Remodels, additions, alterations, or repairs valued at or greater than \$75,000
- VI. Access to the facility shall be granted to the Wastewater Department personnel to conduct wastewater compliance inspections and to collect discharge samples
- VII. The Wastewater Department will conduct random, unannounced inspections to verify compliance.
- VIII. The City will pursue enforcement and penalties as authorized by the Commercial Waste Discharge Ordinance.

**AUTHORIZATION**

The above named permit holder is hereby authorized to discharge wastewater to the community sewer, subject to the permit holder's compliance with the terms and conditions of the Villa Rica Commercial Waste Discharge Ordinance. The City of Villa Rica may amend this Permit to include revisions during the term of this Permit.

\_\_\_\_\_  
Christopher A. Estvanko, Plant Manager  
571 W. Bankhead Hwy. Villa Rica, GA 30180

Table  
21.  
3  
Sample  
Permit

## WATER AND SEWERAGE

### GREASE TRAP FORMULA

**Design** – The following dosing equation is taken from the Manual for On-Site Sewage Management Systems published by the Georgia Department of Human Resources Division of Public Health and is used by GCDPU.

Restaurants

$(S) \times (GS) \times (HR) \times (LF) \div 12 =$  Grease interceptor capacity in gallons, where:

S = Number of seats in dining area  
GS = Gallons of wastewater per seat (use 25 gallons per seat)  
HR = Number of hours open for business  
LF = Loading Factor  
2.0 interstate highway  
1.5 other freeway  
1.25 recreational areas  
1.0 main highways  
0.75 other highways

12 = Number of months in a year

Gwinnett County allows only 1500-gallon grease interceptors. For projects requiring more than 1500-gallon capacity, interceptors will be installed in multiples of 1500-gallon tanks in a series.

Example: For a restaurant with a 75 seat dining are, a 12 hour day operation, a typical discharge of 25 gallons per seat, and located on a main highway, the size of the grease interceptor is calculated as follows:

$(75) \times (25) \times (12) \times (1.0) \div 12$  months per year = 1875 gallon capacity ; use two (2) 1500 gallon grease interceptors installed in series.

### GREASE TRAP REQUIREMENTS

**ANY ESTABLISHMENT THAT HAS FOOD PREPARATION OF ANY TYPE IS REQUIRED TO HAVE AT LEAST ONE 1500 GALLON EXTERIOR GREASE INTERCEPTOR – SEE DETAIL.**

These establishments include, but are not limited to:  
Restaurants, Ice Cream Shops, Coffee Shops, Cafeterias, Deli's, Bucher Shops, Bakeries, Convenience Stores, Motels, Hotels, Churches, Schools, Day Cares, Etc.

For Public Utilities Water/Sewer Plan Review please provide the following:

- Site Plan showing the connection to the sewer system, including test manhole
- Interior layout plan showing square footage and all equipment, tables, plumbing fixtures, number of seats, etc.
- A manifest from the cleaning company, if there is an existing grease trap.

$(S) \times (GS) \times (HR) \times (LF) \div 12 =$  Grease interceptor capacity (in gallons)

*Additional Example:*

<u>Seats</u>	<u>GS</u>	<u>HR</u>	<u>LF</u>	<u>Months</u>	<u>Grease Trap</u>
45	25	8	1	12	750 gallons

Table 21.4  
FOG Separator Sizing

# Georgia Environmental Protection Division

## GEORGIA COMMERCIAL TRANSPORTER REGISTRATION



Directions: This page must be filled out completely. Failure to provide any of the required information may result in your application not being accepted. Once you have completed the brief questionnaire click the submit button to send your registration electronically to EPD. It will take about 7 to 10 days for a response on your application. Any questions regarding this form must be directed to the Georgia Environmental Protection Division.

### COMPANY INFORMATION

(This information is required to obtain your FOG Permit Number)

Company Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Job Title: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ P.O. Box: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Email Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Contact Number: \_\_\_\_\_  
 Company Website: \_\_\_\_\_  
 Please enter the type of Commercial Waste Permit your company has:  
 (Example: NPDES, LAS, Industrial Pretreatment by Division or Industrial Pretreatment by Pretreatment Authority)  
 Type of Commercial Waste Permit: \_\_\_\_\_ Permit Number: \_\_\_\_\_  
 Type of Commercial Waste Permit: \_\_\_\_\_ Permit Number: \_\_\_\_\_  
 Type of Commercial Waste Permit: \_\_\_\_\_ Permit Number: \_\_\_\_\_  
 Has your company Registered with the State of Georgia before? \_\_\_\_\_ If Yes Previous FOG Number: \_\_\_\_\_  
 Does your company Transport Commercial waste pumped in Georgia across State lines? \_\_\_\_\_

### GENERAL COMPANY INFORMATION:

(This information is not required but is information about your company that will be on the Georgia's List of Approved Commercial Waste Haulers)

Company Name: \_\_\_\_\_ Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Total Number of Trucks: \_\_\_\_\_ Years in Business: \_\_\_\_\_  
 How Do You Service Customers?  
 (Examples: Contract, Regularly Scheduled Times, Call When Needed)  
 \_\_\_\_\_  
 and/or  
 \_\_\_\_\_

Please Select The Types of Service You Provide to Customers:  
(please select all that apply to your business)

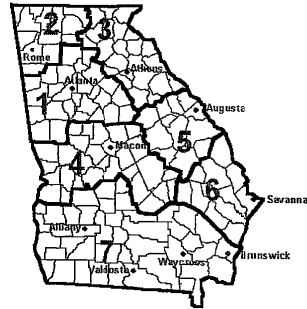
- Grease Traps  Septic Tank  Oil / Water Separators  Grit Traps  Sand Traps
- \_\_\_\_\_ Other

Please Select The Service Areas For Your Business:

- (Use the Map and Select Your Range of Service select all that apply)
- Region 1  Region 2  Region 3  Region 4  Region 5
  - Region 6  Region 7  All of Georgia

I certify that this document was prepared under my direction or supervision in accordance with the system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information provided is to the best of my knowledge and belief, true, accurate, and complete.

Signature: \_\_\_\_\_  
Please print your name in the space above



**WATER AND SEWERAGE**



**GEORGIA COMMERCIAL WASTE VEHICLE  
INSPECTION REPORT**

STATE OF GEORGIA REG. NO: FOG \_\_\_\_\_

LGA: \_\_\_\_\_  
(LOCAL GOVERNING AUTHORITY NAME)

**COMMERCIAL WASTE VEHICLE INSPECTION REPORT DIRECTIONS:**

**SECTION 1: TRANSPORTER INFORMATION**

Step #1: This section is information about your company. Fill in this section prior to the inspection.

Step #2: Provide copies of each truck(s) inspection report for the past 7 days prior to the inspection. DVIR Report: (DAILY VEHICLE INSPECTION REPORT)

**SECTION 2 & 3: THIS SECTION IS TO BE FILLED OUT BY THE INSPECTOR AT THE TIME OF THE INSPECTION.**

**SECTION 1: TRANSPORTER INFORMATION**

BUSINESS NAME: \_\_\_\_\_ BUSINESS OWNER: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ TELEPHONE NUMBER: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

FAX NUMBER: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_

TYPE OF WASTE TRANSPORTED:  Grease Waste  Oil / Water  Sand / Grit  Other: \_\_\_\_\_  
(check all that apply to the business)

**SECTION 2: VEHICLE IDENTIFICATION: (ITEMS 1-2 MUST BE ON BOTH SIDES OF VEHICLE)**

Vehicle Lettering Reqd.	Vehicle # 1		Vehicle # 2		Vehicle # 3	
	Yes	No	Yes	No	Yes	No
2" (easily readable)						
1. Name of Person or Firm						
2. FOG Permit Number (EPD Issued #)						
3. Vehicle Type (*SEE NOTE BELOW)	Type #:		Type #:		Type #:	
4. DOT Number of Truck or Trailer						
5. Gallon Capacity						
6. State Tag Number						
7. VIN Number (Truck Cab)						

**SECTION 3: VEHICLE MAINTENANCE: (DVIR IS REQUIRED FOR THE PAST 7 DAYS)**

	Vehicle # 1		Vehicle # 2		Vehicle # 3	
	Yes	No	Yes	No	Yes	No
1. Daily Vehicle Inspection Report						
2. Gate & Ball Valve Leaks						
3. Water Tight Tank & Body						
4. Leakage From Any Hoses						
5. Caps on all Valves						
6. If tank, is tank secured						
7. Photo Survey of Vehicle						
8. FOG Permit Number	FOG		FOG		FOG	

**\* VEHICLE TYPE (SELECT NUMBER 1, 2, 3 OR 4)**

- TRUCK MOUNTED VACUUM TANK MADE OF FABRICATED METAL WITH GROSS WEIGHT OVER 10,001 LBS
- TRUCK MOUNTED VACUUM SEMI-TRAILER TANK MADE OF FABRICATED METAL (EACH TRAILER MUST GET A PERMIT)
- TRUCK WITH A ROLL-OFF BED WITH A MOUNTED VACUUM TANK OF FABRICATED METAL (EACH TANK MUST GET A PERMIT)
- TANK MOUNTED ON TRUCK OR TRAILER THAT CONFORMS TO 49CFR TRANSPORTATION REGULATIONS SECTION 178  
TANK MUST BE SECURED TO THE TRANSPORT VEHICLE OR TRAILER AND FOLLOW DOT SPECIFICATIONS FOR TYPE OF CHEMICAL.  
CAN BE EITHER VACUUM OR STORAGE TYPE TANK FOR TRANSPORTATION. **MUST HAVE A COMBINED GROSS WEIGHT 10,001 POUNDS**  
IF TANK IS VACUUM MUST BE A METAL TANK. **ALL TANKS MUST BE OVER 119 GALLONS TO BE APPROVED**

**OFFICIAL USE ONLY**

In no part does this inspection report deem the above vehicles safe for road conditions. DOT is the regulatory on Commercial Vehicles.  
The purpose of this inspection is to deem at the time of the inspection this vehicle did not leak with in the inspection period and at the time  
the vehicles met the requirements under the Chapter 391-3-6 EPD Rules and Regulations.

Permit issued: Yes \_\_\_\_\_ No \_\_\_\_\_ (if no explain) \_\_\_\_\_

Permit Fee: \$250 x 1 = \$250 + \$100 x \_\_\_\_\_ Total Amount Due: \$ \_\_\_\_\_

Inspector Name: \_\_\_\_\_ Inspector Signature: \_\_\_\_\_

Telephone No: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Company Signature: \_\_\_\_\_

Table 21.6  
Vehicle Inspection Form..

## WATER AND SEWERAGE