

**OFFICIAL MINUTES  
COMMISSION OF THE CITY OF BRNSWICK, GEORGIA  
REGULAR MEETING  
7:00 P.M., MARCH 15, 2000**

**PRESENT:** His Honor Mayor Bradford S. Brown, Commissioners Roosevelt Lawrence, Harold E. Jennings, Jonathan Williams and Doris A. Davis.

**INVOCATION:** Commissioner Jennings gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by everyone in attendance.

**APPROVAL OF MINUTES:** Commissioner Williams made the motion and Commissioner Jennings seconded the motion approving the minutes of March 1, 2000.

Mayor Brown announced that the City Manager was absent. The City Manager's Administrative Assistant, Gail Mobley was present.

**BOARD APPOINTMENTS:**

**Hospital Authority Board**

Mayor Board read the names of the following citizens who submitted their names for consideration for appointment to the Hospital Authority Board:

Marsha Certain, M.D., Jay Coughenour, Sandy Dean, Audrey Gibbons, Paul S. McKenzie, and Millege Glenn Smith, II.

Commissioner Lawrence made the motion and Commissioner Jennings seconded the motion adding Burnett Fulton's name for consideration for appointment to the Hospital Authority Board.

The Mayor and Commissioner by secret ballot selected the following names to submit to the Hospital Authority Board:

Audrey Gibbons, Paul McKenzie and Jay Coughenour.

Commissioner Lawrence made the motion and Commissioner Jennings seconded the motion to submit the following names for consideration for appointment to the Hospital Authority Board.

Mayor Brown read the names of the following citizens who submitted their names for consideration for appointment to the Zoning Board of Appeals:

Bishop James Brooks, Audrey Gibbons, and Roger Penzotti.

Commissioner Lawrence nominated Bishop James Brooks and Commissioner Davis seconded the nomination. There being no further nominations. The nomination was closed.

Bishop James Brooks received five votes. Bishop James Brooks was re-appointed to serve on the Zoning Board of Appeals.

**DELEGATIONS:** The City Attorney stated that Marvin Davis owner of Lot 600 Oglethrope Street has a 1932 City tax deed and a 1933 County tax deed that is still outstanding. The City Attorney stated that he will find out what the County Attorney recommends. The City Attorney recommended putting out for bid or auctioning lot 600 on Oglethrope Street.

Commissioner Lawrence made the motion and Commissioner Jennings seconded the motion to table the matter. The motion carried.

Mr. Bobby Hobbs appeared before the Commission to request that a fence be erected around City property located behind 2501 Bartow Street. Mr. Hobbs stated that he would place a 6 feet fence with double gates around the property to serve the purpose of keeping cars out of the area and children. Mr. Hobbs stated that he would leave the keys to the gate with the City.

Commissioner Lawrence recalled that a barricade was placed in the area by the City. Commissioner Williams stated that the barriers are unattractive and the City will have use of other barriers from the State.

Mayor Brown stated that sewer easements run through the back of property located at 2501 Bartow Street and some kind of reflectors are needed on the barricade.

Mr. Hobbs expressed his concerns about Police Officers chasing criminals in the back of 2501 Bartow Street. Mr. Hobbs pointed out that "O" Street runs behind the property and he can leave access for vehicles and put up a DO NOT ENTER sign and place reflectors on the fence.

Commissioner Williams suggested waiting to find out what the City Manager will place in the area.

Mr. Hobbs stated that the fence is ready to be placed on the property.

Commissioner Lawrence pointed out if the City Manager agrees to allow Mr. Hobbs to put the fence up then the Commission will agree to having the fence placed around City property located behind 2501 Bartow Street.

Commissioner Lawrence made the motion and Commissioner Williams seconded the motion to approve placing the fence around 2501 Bartow Street if the City Manager agrees that the fence can be placed around the area. The motion carried.

Mr. Hobbs mentioned that his rental property located at 2322 Cleburne Street have serious problems that should be addressed by the City. He stated that the lines on his property is located in someone else's backyard on Davis Street. He pointed out that the sewer problems are causing him to pay money to correct these problems.

**APPROVALS:**

Guideline to the Historic Preservation Ordinance

Commissioner Lawrence made the motion and Commissioner Jennings seconded the motion to hold another Public Hearing on Guidelines for the Brunswick Historic Preservation Ordinance. The motion carried.

Commissioner Williams recognized members of the Brunswick Historic Preservation Board. Mayor Brown asked Brunswick Historic Preservation Board members when they would like to hold another meeting. The Board members stated that a new meeting date would be announced and published in the Brunswick News.

**Bid recommendations on improvements to College Park and Osborne Street:**

Dixie Rebuilders	\$305,672.00
Douglas Electric	\$310,610.60
Allied Utilities	\$224,035.50
Underground Utilities	\$269,395.50

Burton Carter representing Water and Wastewater recommended the bid of Underground Utilities in the amount of \$269,395.00. He stated that the bid of Allied Utilities was rejected because it did not meet specifications.

Commissioner Davis made the motion and Commissioner Jennings seconded the motion to accept the low bid of Underground Utilities in the amount of \$269,395.50. The motion carried.

**Bid recommendations on Street Sweeper for Streets and Drains:**

The following bids were received for Street Sweeper for Public Works Streets and Drains Department:

Vendor	Comments	Total
Consolidated Disposal Systems PO Box 813154 Smyrna, GA 30081	Bid meets all specifications	*\$99,826.00
Municipal Equipment PO Box 1233 Woodstock, GA 30188	Bid does not meet specifications, reference attached	\$99,500.00
Amick Equipment PO Box 1965 Lexington, SC 29071		\$112,175.00
Best Equipment Sales Dothan, AL		\$113,655.00

Mayor Brown stated that the City Manager recommended the bid of Consolidated Disposal System in the amount of \$99,826.00.

Commissioner Lawrence stated that the Director of Public Works should be present or the City Manager and they should have some knowledge of the Street Sweeper.

Commissioner Williams suggested that some type of video recording should be submitted to explain the equipment. He mentioned that he visited a lot of displays and if a person does not actually see the equipment then they cannot decide upon what's in writing.

The City Attorney stated that the low bidder did not meet specifications.

Commissioner Davis made the motion and Commissioner Lawrence seconded the motion to table taking any action until the City Manager and the Public Works Director are present at the meeting to answer questions. The motion carried.

**Transfer funds from Pumping Station number 49 to rehabilitate Pumping Station number 46.**

Burton Carter representing Water and Wastewater Department stated that Pump Station Number 46 experienced problems with Hydrogen Sulfate gas and the pipes collapsed. He explained that the problem needs to be addressed as soon as possible. Mr. Carter stated that Pumping Station Number 46 can be added in the next budget.

Commissioner Lawrence made the motion and Commissioner Davis seconded the motion to transfer funds from Pumping Station number 46 to Pumping Station number 49 in the amount of \$35,000.00. The motion carried.

**MONTHLY REPORTS:**

The following reports were received and filed as information:

- 1) General Fund
- 2) Water/Waste Water Fund
- 3) Community Development
- 4) Municipal Court

Commissioner Lawrence made the motion and Commissioner Davis seconded the motion accepting the monthly reports. The motion carried.

**ALCOHOLIC BEVERAGE LICENSES:**

Petition received from Forrest Barefoot to retail Alcoholic Beverages including beer and wine for consumption on premises at the Jug Package Store, 1300 London Street. The City Attorney stated that consumption on premises have been at that location a number of years ago. The Deputy City Marshall stated that he did not have any problems with the City issuing a license to this business.

Commissioner Lawrence made a motion and Commissioner Williams seconded the motion granting a alcoholic beverage license to the Jug Package Store. The motion carried by vote of 4 to 1. Commissioner Davis voting No.

**Discussion Glynn Payton Building:**

Commissioner Lawrence made the motion and Commissioner Davis seconded the motion deferring the discussion of the Glynn Payton Building until the next meeting. The motion carried.

**CITY MANAGER'S ITEM:**

Commissioner Lawrence made the motion and Commissioner Davis seconded the motion deferring the update on City Hall relocation complex. The motion carried.

**CITY ATTORNEY ITEM:**

**Amendments to the Industrial Pre-Treatment Ordinance.**

The City Attorney submitted Ordinance Number 941 Amendments to the Industrial Pre- Treatment Ordinance.

Commissioner Lawrence made the motion and Commissioner Williams seconded the motion approving Amendments to the Industrial Pre-Treatment Ordinance. Ordinance Number 941. The motion carried.

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CITY CODE OF BRUNSWICK SO AS TO PROVIDE FOR NEW AND REVISED DEFINITIONS FOR THE UTILITY ORDINANCE; TO AMEND REQUIREMENTS AS TO USE OF PUBLIC SEWERS; TO AMEND PROVISIONS PERTAINING TO PRIVATE SEWAGE DISPOSAL; TO AMEND PROVISIONS PERTAINING TO BACKFLOW PREVENTION AND THE PUBLIC WATER SUPPLY; TO AMEND PROVISIONS PERTAINING TO GENERAL SEWAGE DISCHARGE PROHIBITIONS; TO AMEND PROVISIONS PERTAINING TO PRETREATMENT REQUIREMENTS, MONITORING, AND ACCIDENTAL DISCHARGE; TO AMEND PROVISIONS PERTAINING TO THE USER CHARGE SYSTEM; TO AMEND PROVISIONS PERTAINING TO CHARGES FOR CAPITAL REQUIREMENTS; TO AMEND PROVISIONS PERTAINING TO PENALTIES; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK hereby ordains:

SECTION 1. The Brunswick Code is hereby amended by striking in its entirety Section 22-5 and by substituting in lieu thereof a new Section 22-5, which shall provide as follows:

**“SECTION 22-5. Definitions.**

**Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:**

*Act or “the Act”* means the Federal Water Pollution Control Act, Public Law 92-500, as now or hereafter amended, also known as the Clean Water Act, 33 U. S. C. 1251 et seq.

*Approval Authority* means the state Department of Natural Resources, Environmental Protection Division (EPD).

*Authorized Representative of the User* means (1) if the user is a corporation: (a) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (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; (2) if the user is a partnership or sole partnership: a general partner or proprietor, respectively; (3) if the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee; (4) the individuals described in (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

*Biochemical Oxygen Demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approval laboratory procedure in five (5) days at twenty degrees centigrade, expressed in terms of milligrams per liter.

*Building Drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* means the extension from a building drain to the public sewer or other place of disposal.

*Chemical Oxygen Demand (COD)* means the oxygen consuming capacity of organic and inorganic matter using a strong chemical oxidizing agent, expressed in terms of milligrams per liter.

*Commercial user* means any premise or person, other than a domestic user, who discharges wastewaters to the public sewers which are similar in nature to domestic waste but which does not exceed six hundred thousand (600,000) gallons per month.

*Compatible pollutant* means the constituents of biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the applicable NPDES permit where the POTW is designed to treat such pollutants to the degree required by the NPDES permit.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Customer* means 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 said system. Said terms shall include the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

*Director, or Director, Water and Sewerage Department*, means the person designated pursuant to section 22-4 as chief administrative officer of the Water and Sewerage department of the City, and where appropriate, shall include his duly authorized designee or subordinate agent or employee.

*Domestic strength waste* means wastewater discharged into the sanitary sewers in which the average concentration of BOD<sub>5</sub> is not more than three hundred (300) milligrams/liter or total suspended solids is not more than three hundred (300) milligrams/liter.

*Domestic user* means a premise or person who discharges wastewater to the public sewers which closely match "normal sewage" as to strength, and with a volume that does not exceed twenty-five thousand (25,000) gallons per month.

*Effluent* means the discharged flow of a treatment facility.

*Effluent limitation* means any restriction established by the City on quantities, rates, and concentrations, of chemical, physical, biological and other constituents which are discharged from sewer system users or customers to the POTW.

*Environmental Protection Agency (EPA)* means the Environmental Protection Agency of the United States.

*EPA User Charge* means that portion of the total sewer bill which is attributable to the implementation of EPA user charge system as set forth hereinafter. Said rates include collection, operation, maintenance, and replacement expenses as set forth hereinafter.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking or serving of food or the handling, storage and sale of produce.

*Incompatible pollutants* means all pollutants other than compatible pollutants as defined hereinabove.

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

*Industrial wastes* means the wastewater from industrial processes as distinct from domestic or commercial wastes.

*Influent* means the wastewaters arriving at the POTW for treatment and those structures associated with its initial treatment.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including State regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

*National categorical pretreatment standard or pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 U. S. C. 1347) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5.

*National Pollutant Discharge Elimination System (NPDES) permit* means a permit issued pursuant to section 402 of the clean water act (33 U. S. C. 1342) as now or hereafter amended.

*Natural outlet* means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body or surface of ground water.

*New Source* means (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 cause 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 rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria listed in (2) or (3) above but otherwise alter, replaces, or adds to existing process or production equipment. (c) Construction of a new source as defined herein has commenced if the owner or operator has: (I) begun, or caused to begin as part of a continuous onsite construction program: any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (ii) 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 definition.

*Operation, maintenance and replacement costs* means the costs of operations and maintenance, to keep the treatment works in good repair and at design specifications. This includes labor, supplies, utilities, chemicals, contractual services and general expenses including installation and/or repair of equipment, accessories or appurtenances necessary during the service life of the treatment works.

*Overstrength wastes* means any wastewaters discharged into the POTW which exceed a BOD of 300 milligrams/liter or an SS of 300 milligrams/liter.

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

*Person* means any individual, partnership, corporation or group, firm, company unincorporated association, society or representatives of either.

The masculine gender shall include the feminine, and the singular shall include the plural, where appropriate.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

*Privy vault* means shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with hinged flytight seat and lid.

*Properly shredded garbage* means garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

*Pre-treatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Sewerage system. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, plant process changes or by other means, except as prohibited by 40 C.F.R, Part 403.

*Public sewer* means a common sewer, owned and controlled by the City of Brunswick, whether within or without the corporate limits of the City.  
*Publicly Owned Treatment Works (POTW)* means a treatment works as defined by section 212 of the Act, 33 U. S. C. section 1292. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City, who are, by contract, permit or agreement with the City, users of the City's POTW.

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

*Septic tank* means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with a sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and a subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

*Service line* means a water line extending from a water main to the building or premises served thereby.

*Sewage* means the spent water, or wastewater as defined hereinafter, of a community.

*Sewerage system* means the arrangement of devices and structures used for collecting, pumping treating and disposal of sewage, or wastewater.

*Significant Industrial user* means (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subpart N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). Upon a finding that an industrial user meeting the criteria in (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined herein) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Significant Noncompliance* means:

- (1) Violations of Wastewater Discharge Limits.
  - (a) Chronic Violations: Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six month period (any magnitude of exceedance).
  - (b) Technical Review Criteria (TRC) Violations: Defined here has those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or 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);
  - (c) Any other violation(s) of effluent limit (average or daily maximum) that the City believes has caused alone or in combination with other discharges, interferences, or pass-through or endangered the health of the sewage treatment personnel or the public.
  - (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of Compliance Schedule Milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (3) Failure to provide reports for compliance schedules, self-monitoring data, or

categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.

- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations that the City considers to be significant. This shall include, but not be limited to, discharges resulting in damage to the City's collection system such as a discharge that causes sewer line corrosion, obstruction, blockage, or explosion hazards.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment plant.

*Standard Methods* means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, or any other analytical procedure approved by the Environmental Protection Agency or contained in title 40 C.F.R. Part 136.

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

*Suspended solids (SS)* means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as approved by EPA and referred to as non-filterable residue.

*Total metals* means the arithmetic sum of the concentration of lead, zinc, copper, nickel, cadmium and chromium (hexavalent).

*Total solids* means the sum of suspended matter, settleable matter and dissolved matter, both volatile and non-volatile.

*Toxic pollutant* means any pollutant or concentration of pollutants listed as toxic in regulations promulgated by the EPA under the provisions of section 307(a) of the Clean Water Act, as now or hereafter amended, or other law; or any discharge into the treatment system which interferes with the normal biological process of the treatment system or in some way reduces the efficiency of the system or causes special procedures to be necessary to properly dispose of either effluent or sludge produced by the system so that the cost of said disposal is increased.

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

*Users* means any person, business, corporation, or other entity which discharges wastes into the wastewater treatment system whether continuously or occasionally. *Wastewater* means the spent water, or sewage, of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

*Wastewater treatment system* means the structures, devices, equipment and processes required to collect, carry away and treat domestic, commercial and industrial wastewaters and dispose of the effluent and sludge, and as used herein shall include the public sewers, pumping stations, the Academy Creek Treatment Plant, the Glynco Treatment Plant, the Beverly Shores Oxidation Pond and the Belle Point Oxidation Pond and all other facilities, equipment and appurtenances now or hereafter owned, operated or used by the City in connection therewith.

*Water main* means a common water line, owned and controlled by the City of Brunswick, whether within or without the corporate limits of the City.”  
SECTION 2. The Code of the City of Brunswick is hereby further amended by

striking subsection (a) of Section 22-7 and replacing it with the following subsection

(a):

“(a) Where a public sanitary sewer is not available under provisions of section 22-6, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section and the Georgia Department of Human Resources.”

SECTION 3. The Brunswick Code is hereby further amended by adding the

following subsections (i), (j) and (k) to the end of Section 22-7:

- “(i) 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 the following paragraph (j).
- (j) The City is hereby authorized to grant permits to discharge the contents of septic tanks or other similar devices as approved by the City at locations specified by the City and under the supervision of City personnel. 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 processes.
- (k) 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 (10) days after rendition. Failure to pay the amounts due within such 10-day period shall be cause for revoking the permit.”

SECTION 4. The Brunswick Code is hereby further amended by striking in its entirety subsection (b) of Section 22-8 and by substituting in lieu thereof a new subsection (b), which shall provide as follows:

“(b) Such application shall be made on a form prescribed by the director, and shall include such information as he may reasonably require. At the time of filing an application, the applicant for connection to the public sewer or water main or for water service shall pay to the City such sum as the Director shall estimate for tapping fees, connection charge and service deposit. An adjustment shall be made after completion of the connection in the event the estimate of charges is inconsistent with actual costs to the City.”

SECTION 5. The Brunswick Code is hereby further amended by striking in its entirety subsection (j) of Section 22-8 and by substituting in lieu thereof a new subsection (j), which shall provide as follows:

“(j) A separate and independent building sewer shall be provided for every building. Where a building stands to the rear of another on a single lot and no separate building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the City may grant permission for the building sewer from the front building to be extended to the rear building and the whole considered as one (1) building sewer, upon a showing of necessity. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.”

SECTION 6. The Brunswick Code is further hereby amended by striking in its entirety subsection (m) of Section 22-8 and by substituting in lieu thereof a new subsection (m), which shall provide as follows:

“(m) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobile, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to that point as directed by the director. 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.”

SECTION 7. The Brunswick Code is further hereby amended by adding the following subsections (v) and (w) to Section 22-8 which shall provide as follows:

“(v) The City shall define the availability of sewers and any costs associated with sewer permits or construction.

(w) If any house sewer permits the entrance of infiltration or inflow, the City may (1) require the owner to repair the house sewer; (2) charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner’s property; and/or (3) require the owner to disconnect his sewer from the City sewer system.”

SECTION 8. The Brunswick Code is further hereby amended by striking in its entirety Section 22-15 subsection (d) paragraph (1) and by substituting in lieu thereof a new Section 22-15 subsection (d) paragraph (1), which shall provide as follows:

“(1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the city, the state or EPA has notified the user is a fire hazard to the system.”

SECTION 9. The Brunswick Code is further hereby amended by striking in its entirety Section 22-15 subsection (d) paragraph (2) and by substituting in lieu thereof a new Section 22-15 subsection (d) paragraph (2), which shall provide as follows:

“(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment system, such as, but

not limited to: grease, wax, oils, fat, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stones or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.”

SECTION 10. The Brunswick Code is further hereby amended by striking in its entirety Section 22-15 subsection (d) paragraph (5) and by substituting in lieu thereof a new Section 22-15 subsection (d) paragraph (5), which shall provide as follows:

“(5) Any noxious or malodorous liquids, gases, vapors, fumes or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.”

SECTION 11. The Brunswick Code is further hereby amended by striking in their entirety Section 22-15 subsection (d) paragraphs (10) through (14) and by substituting in lieu thereof new Section 22-15 subsection (d) paragraphs (10) through (17), which shall provide as follows:

“(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with

the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- (11) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (12) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems.
- (13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- (14) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (15) Any waters or wastes containing concentrated acid, iron, pickling wastes or concentrated plating solutions whether neutralized or not.
- (16) Materials which exert or cause unusual concentration of inert suspended solids, such as, but not limited to, Fuller's Earth, lime, slurries, and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

(17) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with section 22-7 of this Code.”

SECTION 12. The Code of the City of Brunswick is hereby further amended by striking subsection (f) of Section 22-15 and replacing it with the following subsection (f):

“(f) No user shall discharge wastewater which exceeds the following concentration limits unless he has been permitted by the City in writing to discharge specific contaminants in excess of these limits. Additionally, no user shall discharge wastewater in which the sum of the organic pollutants (marked with an asterisk in the following chart) exceeds 2.13 mg/l. These limits are established to protect against pass through and interference. The average concentration is to be the monthly average.

<b>Parameter</b>	<b>Average Concentration (mg/l)</b>
BOD <sub>5</sub>	3000
COD	4500
Suspended Solids	2000
Oil and Grease	200
Antimony	388
Arsenic	0.007
Cadmium	0.008
Chromium VI	6.5
Total Chromium	1.420
Copper	0.109
Cyanide	0.082
Lead	0.116
Mercury	0.002
Molybdenum	0.030
Nickel	0.113
Selenium	0.016
Silver	1.514
Zinc	0.212
Acrylonite*	1.19
Ammonia*	2.13
Anthracene*	2.13
Benzene*	0.13
Bis(2-ethylhexyl) phthalate*	1.868

Bis(2-ethylhexyl) phthalate*	1.868
Bromomethane*	0.002
Carbon Disulfide*	0.06
Carbon Tetrachloride*	0.03
Chlorobenzene*	2.13
Chloroethane*	2.13
Chloroform*	0.41
Chloromethane*	0.29
1,2 Dichlorobenzene*	2.13
1,3 Dichlorobenzene*	2.13
1,4 Dichlorobenzene*	2.13
1,2 Dichloroethane*	2.13
1,1 Dichloroethylene*	0.288
1,3 Dichloropropylene*	2.13
Dichlorodifluoromethane*	0.04
1,1-Dichloroethane*	2.13
trans-1,2-Dichloroethylene*	0.28
1,2-Dichloropropane*	2.13
1,3-Dichloropropane*	0.08
Diethyl phthalate*	2.13
Dimethyl phthalate*	2.13
Di-n-butyl phthalate*	2.13
Ethylbenzene*	1.59
Ethylene dichloride*	1.05
Fluoranthene*	2.13
Fluorene*	2.13
Formaldehyde*	0.06
Heptachlor*	0.003
Hexachlorobenzene*	0.00007
Hexachlorobutadiene*	0.0002
Hexachloroethane*	0.798
Methyl ethyl ketone*	2.13
Methylene chloride*	2.06
Naphthalene*	2.13
Nitrobenzene*	2.13
Phenanthrene*	2.13
Phenolic Compounds*	2.13
Pyrene*	2.13
Tetrachloroethylene*	0.530
Toluene*	1.36
1,2,4-Trichlorobenzene*	0.390
1,1,1-Trichloroethane*	1.55
1,1,2-Trichloroethane*	2.13
Trichloroethylene*	0.710
Trichlorofluoromethane*	1.23
Vinyl Chloride*	0.004
Vinylidene Chloride*	0.003
Aroclor 1242	0.010

\*The sum of these pollutants cannot exceed 2.13 mg/l.

The above limits apply at the point where the wastewater is discharged to the sewer system. 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. The above concentration limits are set by the City Commission as maximal. The limits may be reduced by order of the Director at any time when it is found that the wastewater treatment plant does not meet its proper limits of treatment, and the Director may establish concentration or mass limits for other substances as may be appropriate. All users on the system must comply with such revised standard limits within a reasonable time period established by the Director."

SECTION 13. The Brunswick Code is hereby further amended by striking in its entirety Section 22-16 and by substituting in lieu thereof a new section 22-16, which shall provide as follows:

**"SECTION 22-16. Industrial discharge requirements.**

(a) It shall be unlawful for a significant industrial user to discharge industrial wastes to the wastewater treatment system except as authorized by written permit with the City.

b) Every user discharging industrial wastewater shall be required to have a written permit with the City, in compliance with section 36-60-2 of the Official Code of Georgia annotated and the provisions of this chapter. Such permit shall govern the nature, constituents, characteristics and volume of the discharge permitted thereby, and shall provide for payment to the City for wastewater treatment services of an EPA user charge for operation, maintenance and replacement costs in such amounts as shall be specified hereinafter or by amendment to the chapter, plus such additional amounts as the parties shall mutually agree upon for the reservation of capacity in the treatment plant. In the event of conflict between the terms of the permit and provisions of this chapter, the chapter shall be controlling, and in every case the permit shall provide that the charge for such services shall never be less than the actual cost to the City of providing the services.

(c) Such permits may specify amounts payable for the reservation of capacity in the treatment plant which shall be binding for the term of the permit, but in no event shall any such permit be construed so as to prevent the revision of rates and charges as contemplated in Section 18(c) hereinafter, such amendment of this chapter as would not impair vested contractual rights, expansion of the wastewater treatment system, or any action of the City required to comply with federal and state laws and regulations as adopted or hereafter adopted or amended.

(d) Before execution of any permit the Director may require the industrial user to submit, in units and terms appropriate for evaluation, the following information:

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

- (2) Sic number according to the standard industrial classification manual, office of the management and budget, 1982, as amended;
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 22-15 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 C.F.R , Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and one hour peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharges;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards;

(9) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- a. the schedule shall contain increments of progress 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 (e. g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc. )
- b. no increment referred to in paragraph (a) shall exceed nine months.
- c. not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more nine months elapse between such progress reports to the Director;

- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) Any other information as may be deemed by the Director to be necessary to evaluate the proposed permit.

(e) The permit will specify the user responsibilities which shall be required of the user. Failure of the user to comply with such requirements may result in penalties and/or discontinuance of wastewater service. Permits may contain the following:

- (1) Statement of duration (in no case more than five years);
- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- (3) Reservation of POTW capacity for flow, BOD<sub>5</sub> and SS;
- (4) The unit charge or schedule of user charges and fees for the wastewater to be discharged into the wastewater treatment system;
- (5) Effluent limits based on applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and State and local law;
- (6) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

- (7) Requirements for installation and maintenance of inspection and sampling facilities;
- (8) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, local limits, and State and local law; Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
- (9) 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 compliance date beyond applicable federal deadlines;
- (10) Requirements for submission of technical reports or discharge reports;
- (11) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and allowing access thereto by representatives of the city, the Environmental Protection Agency, and the Environmental Protection Division, Department of Natural Resources, State of Georgia;
- (12) Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the

volume or character of the wastewater constituent being introduced into the wastewater treatment system;

(13) Requirements for notification of slug discharges;

(14) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(f) All such permits shall be entered into with a user for a specific operation and shall not be assigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Upon approval of the City any succeeding owner or user shall be fully bound by the terms and conditions of the permit and this chapter.

(g) In all such permits item (e) (4) hereinabove shall be governed by this chapter and any amendments thereto, and amendment of the chapter shall ipso facto revise the terms of the permit.

(h) All such permits shall provide that the same shall be subject to periodic review within a certain period of time, not to exceed five (5) years, with respect to items (e) (5-14) hereinabove. If the City determines upon such review that a permit should be modified with respect to such items, the City shall consult with the industrial user in an effort to achieve modification of the permit by mutual agreement. If the City is unable to reach agreement with the user on such items, the City shall have the power to modify such provisions unilaterally and to terminate service if the user refuses to comply with the modifications; provided, however, that the City shall not exercise such power of unilateral modification unless such modification is necessary for the City to comply with its NPDES permit, or Federal or State laws, or regulations promulgated pursuant thereto.

(i) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge,

including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).”

SECTION 14. The Brunswick Code is hereby further amended by striking in its entirety Section 22-17 and by substituting in lieu thereof a new section 22-17, which shall provide as follows:

**“SECTION 22-17. Pretreatment requirements, monitoring and accidental discharge.**

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, based on sound engineering standards, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his own expense.

(b) Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be prepared by a registered engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City

under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the City prior to the user's initiation of the changes. In no way shall the City be responsible for the design or operation of the facilities; the right to review is intended only to assure compatibility of the pretreatment system with the city's wastewater treatment system.

(c) The City shall annually publish in the local newspaper a list of the users who were in significant noncompliance with any pretreatment requirements or standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

(d) All wastewater discharge permit applications and user reports must be signed by

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.

(e) (i) All significant industrial users shall, at a frequency determined by the POTW but in no case less than twice per year (in June and December), submit

a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with paragraph (d) of this section.

(ii) 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.

(iii) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed herein, the results of this monitoring shall be included in the report. The report shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question or where the POTW determines that the part 136 sampling and analytical are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the POTW or other parties, approved by the POTW.

(f) No industry will exceed the pretreatment limits as established by the EPA in accordance with section 307(b) and (c) of the act (33 U. S. C. 1347) Which applies to a specific category of industrial users.

(g) Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The POTW may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limits is appropriate.

(h) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user contends such information and data constitute a trade secret.

(1) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request, to governmental agencies for uses relating to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review of enforcement proceedings involving the person furnishing the report.

(2) Information accepted by the City as confidential shall not be transmitted to any governmental agency except to document compliance with pretreatment programs, nor will such information be transmitted to the public by the City.

(I) The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(j) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into this Ordinance. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed pursuant to this chapter for sources in that subcategory, shall immediately supersede the limitations locally imposed. The Director shall notify all affected users of the new standard and applicable reporting requirements.

(k) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(l) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(m) 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.

(n) Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the state for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 per cent of the samples taken when measured according to the procedures set forth in section 403. 7(C)(2) of title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The City may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 C.F.R, Part 403, Section 403. 7, are fulfilled and prior approval from the approval authority is obtained.

(o) Within nine months of the promulgation of a national categorical pretreatment standard, the permit of any user subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously executed a permit with the city, the user shall do so within 180 days after the promulgation of an applicable federal categorical pretreatment standard the necessary information required to update the permit for compliance.

(p) Baseline Monitoring Reports.

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW a report which contains the information listed in paragraph (2 i-v,viii), 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.
  - (i) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (ii) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (iii) 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.

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

(v) Measurement of Pollutants.

- (a) The categorical pretreatment standards applicable to each regulated process.
- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW, 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 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.
- (c) Except as indicated in paragraph (d), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow

proportional sampling is infeasible, the POTW may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

(vi) 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.

(vii) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.

(viii) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with paragraph (d) of this section.

(q) 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 industrial user subject to pretreatment standards and requirements shall submit to the POTW a report containing the information described in paragraphs (p)(2)(iv)-(vi) of this section. For industrial users subject to equivalent mass or concentration limits established by the POTW 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 industrial 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 paragraph (d) of this section.

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

(s) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such

notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 22-16 paragraph (I) of this ordinance. 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 (e), (p), and (q) of this section.

(t) Dischargers are exempt from the requirements of paragraph (s), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a

one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(u) 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 POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(v) In the case of any notification made under paragraphs (s)-(u) of 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.

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

(x) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No industrial user who commences contribution to the POTW after September 1, 1982 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the

requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(y) An accidental discharge or a slug discharge is defined for purposes of this section as any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge. An accidental or slug control plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 22-15 of this Ordinance, with procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(z) Within five (5) days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures 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, fish kills or

any other damage to person or property; not shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(aa) 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 dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(bb) The Director shall have full power and authority to promulgate, with the approval of the City commission, a pretreatment program pursuant to the act and 40 C.F.R. § 403 et seq., and he is hereby vested with authority and responsibility to enforce the same. To that end he shall have full power to do any and all of the following:

- (1) Deny or condition any increased or new discharges;
- (2) Require compliance with pretreatment standards;
- (3) Control industrial discharges to the treatment works to ensure compliance;
- (4) Require the development of an industrial compliance schedule for installation of required technologies;
- (5) Require submission of appropriate notices and industrial self-monitoring reports necessary to assess and assure compliance;
- (6) Conduct, as necessary, inspections, surveillance and monitoring procedures to independently determine compliance or non-compliance;

- (7) Have access to industrial records and entry to any industrial user's premises;
- (8) Independently assess or recover through judicial action fines, penalties and injunctive relief for noncompliance by industrial users with:
  - a. Pretreatment standards;
  - b. Inspections, entry or monitoring activities;
  - c. Any rules, regulations or orders;
  - d. Any reporting requirements imposed.
- (9) Immediately and effectively halt or eliminate any actual or threatened discharge of pollutants to the treatment works which would endanger health or welfare or proper operation of the treatment works.
- (10) Terminate sewer service for reasons described in Section 22-24 of this Code.
- (11) Issue Notices of Violation for a noncompliance.
- (12) Initiate and pursue an Administrative Action including Consent Orders or Administrative Orders for an unresponsive users or recurrent violations.
- (13) Initiate and pursue a Civil Action as deemed necessary under Section 22-25 of this Code.
- (14) Initiate and pursue a Criminal Action as deemed necessary under Section 22-25 of this Code.
- (15) To do any and all other acts and things necessary or appropriate to comply with the general pretreatment regulations, 40 C.F.R., Part 403, and to carry out the City's pretreatment program.

(cc) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal or local requirements.

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

(ee) 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.

(i) Except as indicated in paragraph (ii), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that

this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.”

(ff) The City reserves the right to establish more stringent limitations or requirements on the discharges to the wastewater disposal system, if such action is deemed necessary to comply with the objectives of this chapter.

SECTION 15. The Brunswick Code is hereby further amended by striking in its entirety Section 22-25 and by substituting in lieu thereof a new section 22-25, which shall provide as follows:

**“SECTION 22-25. Penalties**

(a) Administrative Enforcement Remedies

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

(2) The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 22-25 (a) (4) and (5) of this ordinance and shall be judicially enforceable.

(3) The City may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the 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 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 (5) 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.

(4) When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate

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

(5) When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the 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.

(6) When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed \$1,000.00. Such administrative 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.

Unpaid charges, fines, and penalties shall, after ten (10) calendar days, be assessed an additional penalty of twelve percent (12%)] of the unpaid balance, and interest shall accrue thereafter at a rate of twelve percent (12%)] per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

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 ten (10) 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. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

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

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City 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 Section 22-25 (a) (8) of this ordinance are initiated against the user.

- b. 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 22-25 (a) (3) or (8) of this ordinance.

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

(8) In addition to the provisions in Section 22-24 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

- e. Violation of the pretreatment standards in Section 22-15 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 22-25 (a) (3) of this ordinance 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.

(b) Judicial Enforcement Remedies

(1) When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Municipal Court of the City of Brunswick through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000 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.

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.

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.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

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 not more than \$1,000.00, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance

shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.

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 one (1) year, or both.

(4) The remedies provided for in this Code 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.

(c) Upset

- (1) For the purposes of this section, *upset* means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and the user can identify the cause(s) of the upset;
  - (ii) 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
  - (iii) The user has submitted the following information to the POTW within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
    - (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.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the

primary source of power of the treatment facility is reduced, lost, or fails.

(d) Prohibited Discharge Standards

- (1) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 22-15 of this ordinance, except for Section 22-15 (d)(1), (3) and (17), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with

discharges from other sources, would cause pass through or interference and that either:

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

(e) Bypass

- (1) For the purposes of this section,

- (i) *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (ii) *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) 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 paragraphs (3) and (4) of this section.

- (3) (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
- (ii) A user shall submit oral notice to the POTW of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (4) (i) Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) 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
  - (c) The user submitted notices as required under paragraph (3) of this section.
- (ii) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it

will meet the three conditions listed in paragraph (4)(i) of this section.

SECTION 16. Any and all provisions of the Brunswick Code which are in conflict with the provisions of this Ordinance shall be and the same are hereby repealed and superseded to the extent of such conflict.

SECTION 17. This Ordinance shall be in full force and effect from and after the date of its adoption.

NOTICE OF INTENT PUBLISHED: March 13, 2000

READ AND ADOPTED: March 15, 2000

**MAYOR BROWN ITEM:**

Mayor Brown announced that employment rates in the City of Brunswick increased 13 percent with 1000 new jobs. He pointed out that the City has positive new growth.

**MAYOR PRO-TEM DAVIS'S ITEM:**

Commissioner Davis recalled that closing the 2100 block of Amherst Street came up before. She asked if the City was planning to close the street or put up a fence to eliminate drug trafficking at Brooklyn Homes and behind Massey's Car Wash. She asked that the City place a fence across the Amherst Street or make Amherst Street one-way.

Following a discussion Commissioner Davis made the motion and Commissioner Lawrence seconded the motion instructing Staff to place a No Loitering sign in the 2100 Block of Amherst Street and have Law Enforcement Officers enforce it. The motion carried.

**COMMISSIONER LAWRENCE ITEMS:**

**OLD BUSINESS**

Commissioner Lawrence stated that Bill's Dollar Store was asked to place a buffer around the trash cans so that no one could see their garbage. He pointed out that this has not happened.

Mayor Brown instructed the City Attorney to look into the City Ordinance to see if it addresses buffers for trash containers.

Commissioner Lawrence made the motion and Commissioner Jennings seconded the motion to hold an Executive Session to discuss Pending Litigation. The motion carried.

Following the Executive Session Commissioner Lawrence made a motion to adjourn the meeting. Commissioner Jennings seconded the motion. The motion carried.

**MEETING ADJOURNED.**

/s/ Bradford S. Brown

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Mayor

Attest: /s/ Georgia E. Marion

\_\_\_\_\_  
City Clerk