

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK GEORGIA
REGULAR MEETING
6:30 P.M., FEBRUARY 5, 2003**

PRESENT: Mayor Pro-Tem Doris A. Davis, Commissioners Harold E. Jennings, Jonathan Williams.

ABSENT: Mayor Bradford S. Brown and Commissioner Roosevelt Lawrence.

INVOCATION: Commissioner Harold E. Jennings gave the invocation.

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

MINUTES: Regular Meeting of January 15, 2003.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion approving the minutes of the rescheduled meeting of January 8, 2003 and regular meeting of January 15, 2003. The motion passed.

DELEGATION(S)

1. Lisa Martinez, Director of Su Casa, to address conditions of Hispanic housing.

Lisa Martinez, Director of Su Casa requested that the City participate in a rental property improvement plan with Su Casa to help create standard housing for Hispanic immigrants. She submitted pictures of a house on Albany Street with water leak problems and a hole in the ceiling and Official Code 44-7. She pointed out that Su Casa has scheduled a meeting in April with landlords to start the rental property improvement plan. She requested that a meeting be set up to discuss the rental property plan with the City Commission.

Commissioner Jennings recommended that the City Attorney look at the request to find out the rights of the tenants and landlords.

2. William Ligon, Attorney-at-Law, to request permission to clean up alley adjoining his property at the corner of Lee and Gloucester.

Attorney William Ligon appeared before the Commission to request permission to clean up alley and remove a tree in order to add more space to the parking lot that would be used for his business. He also requested a permit to pave over a sewer line. He stated that the Director of Public Works would grant the permit to pave over the line.

Commissioner Williams requested that Attorney William Ligon submit a statement granting permission to tear up the parking lot in case of an emergency or to repair the line. Commissioner Williams pointed out that this statement would be used if the property is sold to someone else.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion granting the request to remove a tree and pave over the sewer line in the

alley adjoining the property located on the corner of Lee and Gloucester Street with a condition that a letter be submitted to the Commission giving them authority to tear up the pavement in parking lot in case a repair to line need to be made by the City. The motion passed.

3. Nelson Hart in reference to Alcoholic Beverage licenses at the Keg and the Keg Lounge located at 3101 Johnston Street.

This item was deferred.

APPROVAL(S)

1. Selection of Auditors, Jimmy Bradley, Finance Director.

The Director of Finance, Jimmy Bradley appeared before the Commission to request that the Commission waive the bid process in the selection of an auditor for the fiscal year ending June 30, 2003 for the reasons that the City have been unable to get any local response to bid requests in the past and that it would be more efficient for the accounting staff and the audit staff as the necessary audit work papers are already established. Moore, Stephens, Tiller has audited the City for the last several years and are willing to help the City work through the problems that we face.

Commissioner Williams pointed out that he did not particularly approve of the way information from the audit was handed out. Commissioner Williams stated that one of the conditions of the bid process should be that the auditors present the audit in the manner it should be presented.

Commissioner Jennings suggested that Moore, Stephens and Tiller should explain why the City is struggling and the low sale taxes the City is currently receiving.

The Director of Finance stated that the auditors would be presenting the FY-02 Audit at the next meeting.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion granting a contract to Moore, Stephens, Tiller to audit the City of Brunswick for the fiscal year ending June 30, 2003. The motion passed.

2. Adoption of Special Revenue Budgets, Jimmy Bradley, Finance Director.

The Director of Finance requested that the Commission adopt Special Revenue and Long Term Debt fund budgets. He stated that State law requires that these budgets be adopted, E-911 fund, Police Seizure, and General Long term debt.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion adopting E-911 fund, Police Seizure and General Long Term debt budgets. The motion passed.

CITY CLERK'S ITEM(S)

BOARD APPOINTMENT(S)

The City Clerk announced that one citizen requested to be appointed to the Park and Tree Board, George K. Burch at 170 Nursery Place.

The City Manager stated that Mr. Burch resides in the County.

Mayor Pro-Tem Davis instructed the City Clerk to see if any County residents are currently serving on the Park and Tree board. She further instructed the City Clerk to re-advertise the appointment to the Park and Tree Board if City residents are currently serving on the board.

CITY ATTORNEY’S ITEM(S)

1. Revisions to Utility Ordinance in reference to Water Rates.

seconded the motion unanimously adopting the following resolution and Ordinance:

**CITY OF BRUNSWICK
WATER RATE RESOLUTION**

WHEREAS the City of Brunswick has established a water and wastewater utility to provide for supply of potable water and to provide for sewage treatment and disposal in the community; and

WHEREAS an updated Water and Wastewater Rate Analysis issued November 25, 2002 and revised January 6, 2003 has been performed for the City of Brunswick by consulting engineers with the firm of Stantec Consulting of Macon, Georgia; and

WHEREAS the Commission of the City of Brunswick has adopted a water and sewer ordinance, Chapter 22 of the Municipal Code, which provides for establishment and revision of charges for water and sewer services to be accomplished by resolution of the City Commission;

NOW THEREFORE BE IT RESOLVED that the scheduled rates for water and sewer service as called for by Chapter 22 of the Municipal Code shall be as follows:

Monthly Billing Rates and Charges

Water Charges

Administrative Fee	2.11 per bill		
Debt Recovery			
Residential	3.56 per REU		
Outside Commercial	5.69 per REU		
	Ratio:	1.6	
Operation and Maintenance (O&M)	Residential	Outside Commercial	
	Quantity	\$/kgal	\$/kgal
	1 to 5 kgal	1.75	2.80
	6 to 10 kgal	1.80	2.88
	11 to 15 kgal	1.85	2.96
	16 to 20 kgal	1.90	3.04
	21 kgal & up	1.95	3.12
	Ratio:	1.6	

Wastewater Charges

Administrative Fee	2.37 per bill	
Debt Recovery		
Residential	4.73 per REU	
Outside Commercial	7.57 per REU	
	Ratio:	1.6
Operation and Maintenance (O&M)		
	All	
	Quantity	\$/kgal
	1 to 5 kgal	3.16
	6 to 10 kgal	3.20
	11 to 15 kgal	3.25
	16 to 20 kgal	3.30
	21 kgal & up	3.35
	Ratio:	1.0

Operation and Maintenance charges for both water service and wastewater service shall be billed based on the rate shown for the total billing quantity for each monthly billing period.

Industrial Users:

The wastewater operation and maintenance charge shall be calculated as 48% for wastewater collection system operation and maintenance cost and 52% as wastewater treatment operation and maintenance cost for purposes of billing users discharging directly to the wastewater treatment facility without use of the wastewater collection system.

Wastewater Charges for any customer contributing to the system Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) in excess of 200 milligrams per liter (mg/L) surcharges as follows:

Biochemical Oxygen Demand (BOD ₅), per pound	\$0.59
Total Suspended Solids (TSS), per pound	\$0.38

Industrial users contracting for reserved allocation of wastewater plant capacities shall pay for the reservation of capacities such amounts as shall be provided by contract. In the absence of an agreement by the industrial user to make specified capital expenditures for pretreatment, annual payments for reserved capacities shall be calculated according to the following annual unit charges:

Flow, per 1,000 gallons per day	\$10.25
BOD, per pound, per day	10.75
SS, per pound, per day	4.35

Industrial users shall be assessed additional surcharges if an average of not less than five valid samples on different days in any month exceeds the reserved capacities for BOD or SS or if the user exceeds the reserved capacity for flow. For any month in which such excess usage of BOD or SS occurs, the applicable surcharge shall be assessed for each day of the month in which the user discharged industrial process wastewater. Such surcharges shall be assessed in the following amounts:

Flow, per 1,000 gallons	\$0.0309
BOD, per pound	0.0325
SS, per pound	0.131

Septic Tank Hauling Discharges:

All septic tank contents discharged to the City system shall be subject to payment of a fee of fifteen dollars (\$15.00) per five hundred (500) gallons or portion thereof. This fee shall be based on the size of the tank used to transport the waste to the treatment facility. Payment of such fees shall not exempt haulers from complying with any provisions of the City Code or any rules and regulations promulgated under authority of the City Code.

Other Rates, Fees and Charges:

The charge for any overhead sprinkler systems installed in any facilities inside the city limits other than single family residences shall be four dollars (\$4.00) per month for any area up to and including ten thousand (10,000) square feet and forty cents (\$0.40) per additional one thousand (1,000) square feet.

The charge for any overhead sprinkler systems installed in any facilities outside the city limits other than single family residences shall be six dollars (\$6.00) per month for any area up to and including ten thousand (10,000) square feet and sixty cents (\$0.60) per additional one thousand (1,000) square feet.

The charge for any fire hydrant installed inside the city limits shall be six dollars (\$6.00) per month.

The charge for any fire hydrant installed outside the city limits shall be nine dollars (\$9.00) per month.

Tap-in Fees:

Water and wastewater tap-in fees shall be charged on the basis of residential units or residential equivalent units according to the tap-in fees listed hereinafter. Any fractional units resulting from the calculation of residential equivalent units shall be treated as a whole unit. In addition to the tap-in fees, installation fees shall be charged in accordance with schedules listed hereinafter.

Water tap-in fees shall be charged as follows:

Inside the city: Two hundred fifty dollars (\$250.00) for each residential unit or residential equivalent unit.

Outside the city: Three hundred seventy five dollars (\$375.00) for each residential unit or residential equivalent unit.

The water tap-in fee for connecting to water mains for fire protection purposes shall be as follows:

		<u>Inside City Limits</u>	<u>Outside City Limits</u>
2"	Tap	\$ 600.00	\$ 900.00
3"	Tap	\$ 800.00	\$ 1,200.00
4"	Tap	\$ 1,000.00	\$ 1,500.00
6"	Tap	\$ 1,200.00	\$ 1,800.00
8"	Tap	\$ 1,400.00	\$ 2,100.00
12"	Tap	\$ 1,600.00	\$ 2,400.00

Sewer tap-in fees shall be charged as follows:

Inside the city: Two hundred fifty dollars (\$250.00) for each residential unit or residential equivalent unit.

Outside the city: Three hundred seventy five dollars (\$375.00) for each residential unit or residential equivalent unit.

Installation Fees:

Installation fees shall cover only connection to existing mains that are adjacent to location to be served; the actual costs of any extensions necessary shall be charged in addition to tap-in and installation fees. All fees and charges shall be paid by the customer or customers at whose request the connection is made.

Water installation fees for making taps into the city water mains or water lines and installing water meters or providing water meters for plumbers to install shall be in accordance with the following schedule:

<u>Meter Size</u>	<u>Installation by</u>	
	<u>City</u>	<u>Plumber</u>
5/8"-3/4"	\$ 600	\$ 350
1"	\$ 700	\$ 425
1 1/2"	\$ 2,000	\$ 1,000
2"	\$ 2,500	\$ 1,200

Installation fees for meters larger than two-inch shall be charged on the basis of reimbursement to the city for all actual costs incurred in making the installation.

Sewer installation fees for making connections to the city sewerage system and installing service lines shall be in accordance with the following schedule:

<u>Tap Size</u>	<u>Installation by</u>	
	<u>City</u>	<u>Plumber</u>
4"	\$ 700	\$ 150
6"	\$ 900	\$ 150
8"	\$ 2,000	\$ 150

Deposits, Late Fees and Service Charges:

Deposits shall be two and one-half (2½) times the monthly bill for all services, as estimated by the director using whatever data may be available, with a minimum deposit of seventy five dollars (\$75.00) per unit.

In the event a utility bill has not been paid by the past due date printed on the bill, the account may be subject to an additional late fee of not more than five dollars (\$5.00). Late fees may be incurred whether or not the service is disconnected.

In the event that service has been cut off for nonpayment of any city utility bill or other action resulting from violation of The City Code, service shall not be restored until the unpaid bill and service fees provided by this section are satisfied. Before service is restored, the following service fees shall be paid by the user cumulatively for each action taken to prevent unauthorized use of city services:

- a. Turn-on after a delinquent cut-off \$ 25.00
- b. Locking meter \$ 35.00
- c. Removal of meter \$ 60.00
- d. Removal of straight line \$ 80.00
- e. Removal of unauthorized relocated meter \$ 125.00
- f. Cutting off water at main \$ 300.00

Payment of these fees shall not exempt any user from any civil or criminal action resulting from violations of the City Code.

BE IT FURTHER RESOLVED that the foregoing rate and fee schedules shall become effective immediately upon approval of this Resolution by the City Commission and shall be reflected in the billings to customers beginning with the bills sent out in March 2003 for February 2003 usage.

SO RESOLVED, upon motion duly made and seconded, this 5th day of February, 2003.

Doris A. Davis, Mayor Pro-Tem

ATTEST: _____
Georgia E. Marion, City Clerk

ORDINANCE 954

AN ORDINANCE REVISING CHAPTER 22 OF THE MUNICIPAL CODE OF THE CITY OF BRUNSWICK (THE WATER AND SEWER ORDINANCE); TO PROVIDE FOR THE WATER AND WASTEWATER DEPARTMENT OF THE CITY OF BRUNSWICK; TO PROVIDE FOR THE ADMINISTRATION OF THE WATER AND WASTEWATER DEPARTMENT; TO PROVIDE RULES AND REGULATIONS FOR FURNISHING WATER AND WASTEWATER SERVICES TO CUSTOMERS AND USERS OF SUCH SERVICES; TO REGULATE THE USE OF THE PUBLIC WATER SYSTEM AND THE

PUBLIC SEWERAGE SYSTEM; TO RESTRICT THE USE OF PRIVATE WATER AND WASTEWATER SYSTEMS; TO PROVIDE RATES, FEES AND CHARGES FOR CONNECTION TO THE PUBLIC WATER AND WASTEWATER SYSTEM OF EITHER, FOR WATER CONSUMPTION AND FOR SEWERAGE SERVICE; TO PROVIDE A PROCEDURE FOR FUTURE REVISION OF SUCH RATES; TO PROVIDE FOR TERMINATION OF SERVICE; TO PROVIDE FOR LIENS AGAINST PROPERTY FOR CHARGES FOR WATER AND WASTEWATER SERVICES AND SERVICES RELATED THERETO AND FOR ENFORCEMENT OF THE SAME; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Commission of the City of Brunswick hereby ordains as follows:

SECTION ONE

Existing Chapter 22 of the Municipal Code of the City of Brunswick is hereby deleted and a new Chapter 22 substituted therefore, which shall read as follows:

CONTENTS

SECTION 22-1. Short title. 8

SECTION 22-2. Establishment of Water and Sewerage Department. 8

SECTION 22-3. Purpose and policy..... 8

SECTION 22-4. Director of Water and Sewerage Department. 8

SECTION 22-5. Use of Public Sewers Required. 8

SECTION 22-6. Private Wastewater Disposal 2

SECTION 22-7. Application Connection 3

SECTION 22-8. Metering 5

SECTION 22-9. Stop cock or cutoff valve requirements. 11

SECTION 22-10. Service to sprinkler system..... 12

SECTION 22-11. Fire hydrants. 12

SECTION 22-12. General regulations..... 12

SECTION 22-13. Backflow Prevention, Public Water Supply. 12

SECTION 22-14. Definitions..... 8

SECTION 22-15. Abbreviations..... 13

SECTION 22-16. Restricted use of the Public Sewers 14

SECTION 22-17. National Categorical pretreatment standards..... 16

SECTION 22-18. Industrial pretreatment requirements 16

SECTION 22-19. Administrative Enforcement Remedies..... 29

SECTION 22-20. Judicial Remedies 31

SECTION 22-21. Supplemental Enforcement Remedies 32

SECTION 22-22. Affirmative Defenses..... 33

SECTION 22-23. Severability and Conflict..... 35

SECTION 22-24. The User Charge System..... 35

SECTION 22-25. Other Rates, Fees and Charges..... 36

SECTION 22-26. Adjustments in Billing..... 36

SECTION 22-27. Discontinuance of Service 38
SECTION 22-28. Unauthorized Obligation of City 39
SECTION 22-29. Amendment 39

SECTION 22-1. Short Title.

This chapter shall be known and cited as the "Water and Sewer Ordinance."

SECTION 22-2. Establishment of Water and Wastewater Department.

There is hereby created and established, reestablished and continued in existence, a department within the municipal government of the City of Brunswick, known as the "Water and Wastewater Department of the City of Brunswick," which shall be administered and governed pursuant to new rules and regulations set forth hereinafter and in accordance with the laws of the State of Georgia and of the United States and lawful regulations promulgated by state and federal departments and agencies having jurisdiction over the operations of said department.

SECTION 22-3. Purpose and Policy.

- (a) The objectives of this chapter are:
 (1) to provide for the efficient administration and regulation of the Water and Wastewater department;
 (2) to enable the city to comply with all applicable state and federal statutes and regulations governing the operations of the Water and Wastewater department, particularly the federal water pollution control act, as amended, and the general pretreatment regulations, 40 C.F.R., Part 403;
 (3) to prevent the introduction of pollutants into the wastewater treatment system which will interfere with the operation of the system or contaminate the resulting sludge;
 (4) to prevent the introduction of pollutants into the wastewater treatment system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 (5) to improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and
 (6) to provide for equitable distribution of the costs of the wastewater treatment system.
 (b) This chapter shall be liberally construed to affect the foregoing beneficent purposes, provided however, that such construction shall not impair vested contractual rights.

SECTION 22-4. Director of Water and Wastewater Department.

The chief administrative officer of the Water and Wastewater Department shall be the Director, Water and Wastewater Department of the City of Brunswick, who shall have general responsibility, power and authority over the personnel, management and operations of such department, subject to the authority of the Director and the City Commission as provided by law. It shall be the duty of the City Manager to appoint a qualified person to the position of Director of such department. In the event of a vacancy in the position of director, the duties thereof shall devolve, temporarily, upon the City Manager. Notwithstanding the foregoing, the City Commission shall have the authority to enter into contracts with other parties for the operation and management of any of the facilities of the department and for such engineering services as the commission may deem appropriate.

SECTION 22-5. Use of Public Sewers Required.

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

notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(f) All sinks, dish washing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer.

SECTION 22-6. Private Wastewater Disposal.

(a) Where a public sanitary sewer is not available under the provisions of section 13-82, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the city and the Georgia Department of Human Resources.

(b) Septic tanks shall be constructed, repaired, altered, enlarged, and maintained in accordance with the plans and specifications approved by the health officer. Septic tanks shall be maintained in sanitary working order.

(c) No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the health officer. The health officer may withhold the issuance of such a permit pending the inspection and approval by the health officer of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.

(d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Human Resources of the State of Georgia. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that allowed by the health officer. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible within one hundred (100) feet to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well being.

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

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

(h) Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(i) No pit privy shall be installed in the following locations:

(1) Where a public sewer is accessible to the premises involved;

(2) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to the public health;

(3) Where a pit privy may pollute any water supply; or

(4) Where the use of pit privies is not in keeping with the standard of sanitation in adjacent areas.

(j) Any premise that has a septic tank, privy; or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the health officer.

(1) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 22-7. Application and Connection.

(a) No connection shall be made to a public sewer or water main, nor water furnished to any premises, without a written application having first been made to the Director for such connection or service and approved by the director.

(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.

(c) No person other than an authorized employee of the City shall uncover, make any connection with or opening into, alter, use or disturb any public sewer or water main or appurtenances thereof except by written permission of the director. No connection shall be made except at a wye, manhole or connection point approved by the Director.

(d) The owner of the property to be served shall be responsible for the cost of the installation of the building sewer or water service line from the facility to be served to a point where the building sewer or service line ties into the City's system, including any portions of the building sewer or service line which extend onto the public right of way or City easement.

- (e) The Water and Wastewater Department shall install and maintain all necessary fittings, pipes and appurtenances, including all meters and meter boxes, to deliver water to the water service line, at a point immediately outside the property line in an alley or easement. Notwithstanding that the applicant for service will have paid the cost of labor and materials, all such fittings, pipes, appurtenances, meters and meter boxes will be and remain the property of the City of Brunswick, and shall be accessible to the City at all times and under its control.
- (f) The water service line and building sewer shall be of appropriate material and of ample size, weight and quality for the premises and for the purpose intended and shall be subject to the approval of the Director, who shall have authority to refuse connection and service to the premises, in his discretion, if he deems the installation inadequate.
- (g) New connections for water service shall be available to individual customers only, on the basis of connection for each residential or business unit on the premises, and shall not be provided for multiple residential or business units by a single connection.
- (h) The owner of the property served shall be responsible for maintenance of portions of the building sewer between the facility served and the public right of way or City easement and portions of the water service line between the facility served and the water meter, provided that if the water meter is located on the property served, the owner shall be responsible, also, for maintenance of portions of the water service line between the meter and the public right of way or City easement. The City shall be responsible for maintenance of other portions of the building sewer and water service line and meter, provided, however, that the Director, in his discretion, may hold the owner responsible for the cost of maintenance, repairs or replacement of such portions of the building sewer or water service line and meter in the event he finds that such maintenance, repairs or replacement were made necessary by fault attributable to the owner or occupant of the property, or his agent, employee or contractor.
- (i) It shall be unlawful for any person, firm or corporation to make, cause to be made, or allow existing, a cross-connection between a private water or sewerage facility and any system belonging to the City. All private water or sewerage facilities shall be kept entirely separate and apart from the City systems at all times, and the separation of a private facility by the placement of a valve between such facility and the City system shall not be permitted.
- (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."
- (k) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the City to meet all of the requirements of this chapter.
- (l) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of applicable building and plumbing regulations.
- (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.
- (n) No person shall maintain or make a connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- (o) Before any underground portions of a water service line or building sewer are covered, the applicant shall notify the City when the lines are ready for inspection and connection to the City systems. The connection thereof shall be made to the water main or public sewer by an authorized representative of the City and only after inspection and approval.
- (p) All excavations for installation of water service lines and building sewers shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director.
- (q) The Director shall keep a permanent and accurate record of the location, depth, and direction of all new sewer connections including any landmarks that may be necessary to provide an adequate description.
- (r) When any building heretofore having water service is to be occupied by two (2) or more tenants using water through one (1) meter, the application for service shall be made only by the owner of the building or his authorized agent. The owner shall agree in such application to be responsible for the payment of all bills for Water and Wastewater services to the premises.

(s) When a water customer wishes to discontinue water service, he shall give written notice to the City.

(t) A new application must be made, and approved by the director, for re-connection in the event of a change in the occupancy or possession of premises furnished water service. The City shall have the right to discontinue the water supply until such new application is made and approved. Should a new occupant of such premises fail to apply to the Water and Wastewater Department for service within forty-eight hours after taking possession, he shall be liable for all charges that have accrued since the last reading of the meter prior to the date he occupied such premises.

(u) Notwithstanding the provisions of subparagraph (g) hereinabove, the Director shall have discretion to permit any number of connections, or a single connection, for water services to be provided to multiple business units located on the same premises devoted to commercial retail sales and services or offices. On such premises, notwithstanding the provisions of subparagraph (e) hereinabove, the Director shall have discretion to permit the location of the water meter or meters within the property line of the owner of the premises, subject to agreement of the owner upon reasonable conditions therefore.

(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 22-8. Metering.

(a) All water usage from the City system shall be metered by the City. All meters shall be furnished by the city and shall remain the property of the City and be accessible to it and under its control. The meter shall be connected to the customer's water service line so as to measure the entire water supply to the premises.

(b) The first meter shall be installed by the City at the property owner's expense and will be maintained by the City against normal usage and wear and tear. The customer shall notify the Water and Wastewater Department of any injury to or the non-working of the meter as soon as it comes to his knowledge.

(c) No person shall run or extend a water line, pipe or hose from one lot or tract of land across another lot or boundary line for the purpose of serving more than one (1) residence or other building from a single water meter except in emergency.

(d) The quantity of water consumption recorded by a meter shall be conclusive on both the water customer, the City and the Water and Wastewater department, except when the meter has been found to be registering inaccurately, or has ceased to register. In the latter case, the quantity may be determined by the average registration of the meter when in order. In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, in conformity with the usual methods of testing meters. In the event that the meter so tested is found to have an error in registration of three (3) per cent or more, the bills will be increased or decreased accordingly.

(e) It shall be a violation of this Chapter:

- (1) for the owner or occupant of property served to drive or knowingly permit to be driven a motor vehicle over or so near the water meter as to risk damage to the meter or connections thereto; or
- (2) for any person to park and leave unattended any motor vehicle on or above a water meter or otherwise to do any act, which would obstruct access to a water meter by, authorized City personnel.

The commission of any such violation of this Chapter with the corporate limits shall be punishable in the Municipal Court of the City of Brunswick. Such violation either within or outside the corporate limits may be deemed cause for discontinuance of service.

(f) It shall be unlawful for any person except authorized personnel of the City to install, remove or handle water meters.

(g) Where a user pumps water from his own well or other source of supply and discharges waste, process water or sewage into the sanitary sewerage system, said user shall be required to install a proper measuring device or devices to measure all such wastewater; and said user shall be required to pay the user charge for Sewerage service in an amount equal to the amount charged if all water used was purchased from the City of Brunswick.

SECTION 22-9. Stop Cock or Cutoff Valve Requirements.

(a) It shall be unlawful for any person other than an authorized employee of the city, or other person specifically authorized in writing by the Director, to use the stop cock between a water meter and water main, or to cut the water supply on or off thereby except in emergency.

(b) In all water connections made hereinafter, a stop and waste cock or cutoff valve shall be placed between the water meter and water service line, which will be under the control of the property owner for emergency use, so that the water supply may be cut off for the repair of any pipe or plumbing fixture on the premises without interference with the meter or City stop cock.

(c) The Director shall be authorized to require the installation, at the property owner's expense, of a stop and waste cock or cutoff valve between the water meter and water service line at any or all premises heretofore having City water service, as circumstances may render appropriate in the discretion of the Director, to reduce interference with the City system.

SECTION 22-10. Service to Sprinkler System.

(a) All new customers who desire both regular commercial service and fire protection service shall install separate lines, one to be used for fire protection. The Director may require all customers who now have only one service connection for combined commercial service and for fire protection to install separate lines.

(b) The customer shall not be permitted to take water from the fire protection line except for fire protection purposes or to make an interconnection between the regular service line and the fire protection line.

SECTION 22-11. Fire Hydrants.

(a) No person, except an employee of the city, duly authorized, shall take water from any fire hydrant for any purpose, unless specifically permitted in writing by the Director for the particular time and purpose.

(b) In the event that any person shall take water from a fire hydrant, with or without permission, he shall be liable for payment for the quantity of water so taken or consumed, as estimated by the Director, in an amount consistent with charges for water service. The estimate of the Director shall be conclusive upon such person.

(c) In the case of any person taking water from a fire hydrant without permission, the foregoing liability for payment for the water so taken shall be in addition to any penalties otherwise provided by law.

SECTION 22-12. General Regulations.

(a) As necessity may arise in the case of break, emergency or for other unavoidable cause, the City shall have the right to temporarily cut off the water supply or wastewater service, in order to make necessary repairs, connections, etc. In such case, the City shall not be liable for any damage or inconvenience suffered by the customer; nor shall the City be liable for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, quality of water or for any causes beyond its control.

(b) The City shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fires and other emergencies, and may restrict or regulate the quantity of water used by water service customers in case of scarcity, whenever the public welfare may require it.

(c) No person shall use water supplied by the City system for the purpose of watering lawns, flowers, gardens or other vegetation, or for the purpose of washing motor vehicles, sidewalks or porches, during periods when a shortage of water exists, as determined by the City.

(d) The City shall have the right at all reasonable hours to enter the premises where water or sewer lines are in use, for the purpose of inspecting pipes or fixtures, setting and repairing meters, connecting or disconnecting service, and enforcing the provisions of this chapter or any rules promulgated pursuant to the authority thereof.

(e) All leaks in the service line or any other pipe or fixture on the premises of the user shall be immediately repaired. Upon failure to repair any such leak, service may be discontinued until repairs are made.

SECTION 22-13. Backflow Prevention, Public Water Supply.

(a) No water service connection to any premises shall be installed or maintained or permitted by the City unless the water supply is protected as required by State laws and regulations and this Chapter. Service of water to any premises shall be discontinued by the City should a backflow prevention device required by this Chapter not be installed (or not be installed as designed), tested and maintained, or if it is found that a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises. The user shall be notified in writing that he has thirty days from the date of the communication to correct the condition or defect. At the expiration of the thirty-day period, the service will be disconnected if corrective action has not been taken. Should it be determined that there could be a possibility of high-hazard contaminants entering the City water system, service will be disconnected immediately, without waiting said thirty day-period, and the user shall be promptly notified in writing that service will not be reconnected until corrective action has been taken.

(b) Should it be determined that the installation of the water facilities of a user have not been made in accordance with plans approved by the City when application for service was made, where such approval is required pursuant to this Chapter, service shall be discontinued immediately.

(c) Each service connection from the public water system supplying water to premises having an auxiliary water system shall be protected against backflow of water from the premises into the public water system.

(d) Each service connection from the public water system supplying water to premises on which any substance is or may be handled in such a manner as to create an actual or potential hazard to the water system shall be protected against backflow of the water from the premises into the public system. This shall include premises having industrial piping systems handling industrial fluids or process water, or waters originating from the public water supply which have been subject to deterioration in sanitary quality, or any other premises or circumstances where a hydraulic linkage may occur permanently or temporarily connecting a source of contamination or pollution to the public water system.

(e) The protective device required shall be an approved reduced pressure principle backflow preventer device, or a double check-valve assembly, that has been designed, constructed, and tested to be operative in accordance with nationally accepted standards. Backflow prevention devices required hereunder shall be approved by the City and shall be installed by and at the expense of the user. The devices shall be installed in an accessible location and in a manner approved by the City. The user shall regularly test and service such devices and maintain them in satisfactory operating condition and shall overhaul or replace such devices if they are found to be defective.

(f) Typical installations requiring an approved backflow prevention device shall include, but not be limited to, the following examples:

- (1) Service connections to any premises where there is an auxiliary water supply.
- (2) Service connections to any premises on which "industrial fluids" are handled in a separate system and there is or may be an actual or potential cross-connection on the premises.
- (3) Service connections to any premises on which there is a sewage treatment plant, including privately owned sewage plants in buildings, sewage pumping stations, and storm water pumping stations.
- (4) Service connections to a hospital, medical or dental building, mortuary, multi-story apartment or office building, or other similar premises where the City determines that an actual or potential hazard exists.

(g) It shall be the duty of the Director of the Water and Wastewater Department, or his designated agent, to implement and enforce the provisions of this Section and to develop and implement an effective cross-connection control program in accordance with EPD regulations and guidelines, to ensure that no connections with unapproved water sources or cross-connections with nonpotable systems are made to the public water system; and they shall have legal authority hereunder to enter and make inspections of any new premises pending application for water service or any existing premises connected to the public water system, to approve or disapprove existing or new installations, to require the submission of plans for new construction where appropriate and to approve or disapprove the same, to make periodic inspections of all connections to the public water system, and to order the termination of water service when such termination is authorized hereby.

SECTION 22-14. Definitions.

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

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

Authorized representative of the user:

(1) If the user is a corporation:

a. The president, secretary treasurer, or 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 (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having a gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge

originates or having overall responsibility for the environmental matters for the company, and the written authorization is submitted to the city.

Biochemical oxygen demand or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed as a concentration (e.g. mg/l).

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

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

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

City: The corporate entity, the City of Brunswick, Georgia.

City Manager: City of Brunswick Manager or his authorized Deputy, Agent, or Representative.

Combined sewer: A sewer receiving both surface runoff and sewage.

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

Director, or Director, Water and Wastewater Department: The person designated as chief administrative officer of the Water and Wastewater department of the City, and where appropriate, shall include his duly authorized designee or subordinate agent or employee.

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

Effluent: The discharge flow of a pretreatment facility.

Equalizing units: Those devices or structures constructed to regulate evenly, either or both, the strength and volumes of wastes.

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

Flammable: Shall be defined by existing fire regulations.

Floatable oil: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

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

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

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

Health officer: The director of the board of health or other person designated and their duly appointed assistants.

Hours of operation: The normal number of hours per day that an industry or commercial establishment operates.

Industrial/commercial user: All users not embraced within the definition of a residential or domestic user as herein defined are declared to be industrial or commercial users.

Indirect discharge: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) and (c) of the Act into the POTW (including holding tank waste).

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

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

Municipality: The governmental body having jurisdiction over the maintenance and operations of the water and sanitary sewer system within the city and adjacent areas.

Natural outlet: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

National prohibitive discharge standard: Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

New source:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (1) b. or (1) c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- a. Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

Person: Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assignees. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

Pass through: A discharge, which exits the POTW into the 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.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

Pit privy: Shored vertical pit in the earth completely covered with a fly tight slab on which is securely located a fly tight riser covered with hinged fly tight seat and lid.

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

Polluted water: That wastewater leaving the user's premises to which contaminants have been added so as to render the water non-potable.

Pretreatment or treatment: The term "pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

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

Public sewer: A sewer, which is owned and controlled, or controlled by the city.

POTW (publicly owned treatment works): Any devices and systems used in the storage, treatment, recycling and reclamation of municipal and/or industrial wastes of a liquid nature. This includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant.

POTW treatment plant: That portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of municipal and/or industrial waste.

Receiving waters: Those waters into which wastes are discharged.

Sanitary sewer: 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 intentionally admitted.

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

(1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and

(2) A subsurface system of trenches, piping, and other materials constructed to drain the clarified liquid from the tank and distribute it underground to be absorbed or filtered.

Shall, will, may: The terms "shall" and "will" are mandatory; "may" is permissive.

Sewer: A pipe or conduit that carries wastewater.

SIC: The term "SIC" is an acronym for standard industrial classification.

Significant industrial user:

(1) Any industrial user of the city's wastewater disposal system who is:

a. A user subject to categorical pretreatment standards; or

b. A user that discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater); contributes a process waste stream which makes up five (5) per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the city on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(2) Upon a finding that an industrial user meeting the criteria in paragraph (1)b. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from 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.

Deleted: c

Slug: Any discharge of water or wastewater, which in concentration of any given constituent, or in quantity of flow which adversely, affects the collection system and/or performance of the wastewater facilities.

Storm sewer: A sewer, which carries storm and surface waters and drainage, but excludes sanitary and/or polluted industrial wastewater.

Suspended solids: Solids that either float on the surface of, or are in suspension in, wastewater or other liquids and which are removable by laboratory filtering.

Total suspended solids-TSS: Is an acronym and shall mean all solids contained in sewage except colloidal and dissolved solids.

Unpolluted water: Is 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.

Wastewater: The spent water of a community. From the standpoint of the source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present. The equivalent term is sewage.

Watercourse: A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 22-15. Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	Gallons Per Day
l	Liter
mg	Milligrams
mg/l	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u>)
TSS	Total Suspended Solids
USC	United States Code

SECTION 22-16. Restricted Use of the Public Sewers.

(a) A user may not introduce into any public sewer any pollutant(s), which cause pass through or interference of the POTW. These general prohibitions and the specific prohibitions in paragraph (d) of this section apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(b) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(c) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet. Industrial cooling water or unpolluted process water may be discharged, upon approval of the Georgia Environmental Protection Division, to a storm sewer, combined sewer or natural outlet.

(d) Specific prohibitions: Except as herein provided, no person shall discharge any of the following described waters or wastes into any public sewer.

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21;

(2) Pollutants which will cause corrosive or structural damage to the POTW; but in no case discharges with pH lower than 6.0, or higher than 9.0;

(3) Solids or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

(4) Any pollutant, 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;

(5) Pollutants exceeding the following:

Parameter	Concentration mg/L
BOD	1400
TSS	1440
TKN	100
Ammonia-N	50
COD	2060

(6) Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW plant influent exceeds forty degrees Celsius or one hundred four degrees Fahrenheit;

(7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil that will cause interference or pass through at the POTW;

(8) Pollutants that will result in the presence of toxic gases, vapors, or fumes within the POTW in quantities that may cause acute worker health and safety problems. Any noxious or malodorous gas or substance, capable of creating a public nuisance or preventing entry into sewers for their maintenance, inspection, and repair;

(9) Any trucked or hauled pollutants, except at discharge points designated by the POTW;

(10) Any water or waste that contains more than one hundred (100) milligrams per liter fat, oil, or grease, of animal or vegetable origin.

(11) Any waters or waste containing in excess of one (1.0) milligram per liter of any of the following hazardous or dangerous gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.

(12) Any non-domestic waters, wastes or materials containing toxic organic and inorganic priority pollutants, unless issued a written permit by the Director that provides numerical limits on the quantity of such pollutants. Such limits will be calculated based on national pretreatment standards, local conditions of the POTW; and the presence of any pollutants causing pass through or interference with the POTW.

(13) Any waters containing quantities of radium, naturally occurring or artificially produced radioisotopes in excess of presently existing or subsequently accepted limits for drinking water as established by the National Committee on Radiation Protection and Measuring.

(14) Any concentrated dye wastes, or other wastes which are highly colored, and adversely affect the treated effluent of the POTW.

(15) Detergents, surfactants, or other substances which may cause excessive foaming in the POTW.

(e) Local discharge limits: Using EPA approved methodology the city has established local discharge limits for the pollutants of concern to the POTW. These limits are designed to

protect the receiving stream, prevent interference with POTW operations and protect the quality of the sludge produced by the POTW. These limits apply to all users of the system. For industrial users subject to national categorical pretreatment standards, the local limit will be compared to the categorical limit and the lower value will be used. The city reserves the right to set higher discharge limits for individual industrial users provided that the following conditions apply:

(1) There are no other industrial users discharging the pollutant of concern or if there are other significant industrial users discharging the pollutant of concern they are discharging below the established limit:

(2) If any other significant industrial users are discharging the pollutant of concern they agree to accept a lower limit; and

(3) The total combined loading on the POTW will not exceed the established maximum head works loading.

Any user, which desires to have a higher local discharge limit, should petition the Director in writing.

Any discharge to the POTW that contains concentrations of conventional pollutants above the local discharge limit will be subject to surcharges as provided in this division (Section 13-85 (f)). For purposes of this division conventional pollutants are considered biochemical oxygen demand, total suspended solids, chemical oxygen demand, ammonia nitrogen, and oil and grease.

All other regulated pollutants are considered non-conventional pollutants and any discharge to the POTW that contains concentrations of these pollutant(s) above the local discharge limit will be subject to enforcement action as provided in this division.

SECTION 22-17. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated [by reference].

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

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

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(5) 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 city may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

SECTION 22-18. Industrial Pretreatment Requirements.

(a) *Pretreatment of wastewater.*

(1) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 13-85 of this division within the time limitations specified by EPA, the State of Georgia, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user

from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this division.

(2) Additional pretreatment measures.

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

b. The Director may require any person discharging into the POTW to install and maintain, on their own property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

c. The City may, upon notification, require users to install a sampling manhole.

d. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of waste water containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for clearing and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

e. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental discharge/ slug control plans. At least once every two (2) years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

a. Description of discharge practices, including non-routine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by section 13-87(d)(6)a. of this division.

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

(4) Hauled waste.

a. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such wastes shall not violate section 13-85 of this division or any other requirements established by the city. The Director may require septic tank waste haulers to obtain wastewater discharge permits. Such permits may be revoked at any time if, in the opinion of the director, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.

b. 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 dumps 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 ten-day period shall be cause for revoking the permit.

c. The Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.

d. Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable stan-

ards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(b) *Wastewater discharge permit application.*

(1) *Wastewater analysis.* When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(2) *Wastewater discharge permit application.*

a. No significant industrial user shall discharge waste-water into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to section 13-87(c) of this division may continue to discharge for the time period specified therein.

b. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 13-88, 13-89, and 13-90 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(3) *Wastewater discharge permitting: Existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this division and who wishes to continue such discharges in the future, shall, within one hundred eighty (180) days after said date, apply to the Director for a wastewater discharge permit in accordance with section 13-87(b)(2) of this division, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this division except in accordance with a wastewater discharge permit issued by the Director.

(4) *Wastewater discharge permitting: New connections.* Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 13-87(b)(2) of this division, must be filed at least ninety (90) days prior to the date which any discharge will begin or recommence.

(5) *Wastewater discharge permitting: Reissuance.* Any user who is issued a wastewater discharge permit under this division must submit an application to have their permit reissued at least ninety (90) days prior to the expiration date on the permit.

(6) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information.

a. All information required by section 13-87(d)(1)b. of this division;

b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could be accidentally or intentionally be, discharged to the POTW;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

d. Each product produced by type, amount, process or processes, and rate of production;

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

f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

g. Time and duration of discharges; and

h. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

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

(7) *Application signatories and certifications.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

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

(c) *Wastewater discharge permit issuance process.*

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

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

a. Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with section 13-87(c)(5) of this division, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

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

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology; pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the waste water discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with this division, and state and federal laws, rules, and regulations.

(3) *Wastewater discharge permit appeals.* The Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user; may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

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

b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

d. If the Director fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(4) *Wastewater discharge permit modifications.* The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

e. Violation of any terms or conditions of the wastewater discharge permit;

f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

h. To correct typographical or other errors in the waste-water discharge permit; or

i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

(5) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) day's advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

(6) *Wastewater discharge permit revocation.* The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Director of changed conditions pursuant to section 13-87(d)(5) of this division;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow city representatives timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.

Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(d) *Reporting requirements.*

(1) *Baseline monitoring reports.*

a. Within either one hundred eighty (180) days after the effective date of a national categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph b. below. At least ninety (90) days prior to commencement of their discharge, new sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Director a report which contains the information listed in paragraph b.1.-5. 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.

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

1. *Identifying information.* The name and address of the facility, including the name of the operator and owner.

2. *Environmental permits.* A list of any environmental control permits held by or for the facility.

3. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.

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

5. *Measurement of pollutants.*

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

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 13-87(d)(10) of this division.

c. Sampling must be performed in accordance with procedures set out in section 13-87(d)(11) of this division.

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

7. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 13-87(d)(2)a. of this division.

8. *Signature and certification.* All baseline monitoring reports must be Signed and certified in accordance with section 13-87(b)(6) of this division.

(2) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by section 13-87(d)(1)b.7. of this division.

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

b. No increment referred to above shall exceed nine (9) months;

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

d. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(3) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) calendar days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in section 13-87(d)(1)b. of this division. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 13-87(b)(6) of this division.

(4) *Periodic compliance reports*

a. All significant industrial users shall, at a frequency determined by the city but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 13-87(b)(6) of this division.

b. 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.

c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the city, using the procedures prescribed in section 13-87(d)(1) of this division, the results of this monitoring shall be included in the report.

(5) *Reports of changed conditions.* Each user must notify the city of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

a. The city may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13-87(b) of this division.

b. The city may issue a wastewater discharge permit under section 13-87(c) of this division or modify an existing wastewater discharge permit under section 13-87(c)(4) of this division in response to changed conditions or anticipated changed conditions.

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

(6) *Reports of potential problems.*

a. In the case of any discharge, including, but not limited to accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW; the user shall immediately telephone and notify the plant Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

b. Within five (5) days following such discharge, the user shall, unless waived by the city, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

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

(7) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the city may require.

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

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

a. 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 waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (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 13-87(d)(5) of this division.

The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self monitoring requirements of sections 13-87(c)(2)a.4. and 13-87(e)(l)c. of this division.

b. Dischargers are exempt from the requirements of paragraph a. 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 non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), 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.

c. In the cases of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the city, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

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

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

(11) *Sample collection.*

a. Except as indicated in subsection b. below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the city may authorize the use of time proportional sampling or a minimum of four (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, sulfide, and volatile organic compounds must be obtained using grab collection techniques.

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

(13) *Record keeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division 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, name of the person(s) taking the samples; the dates analysis were performed; who performed the analysis; the analytical techniques or methods used; and the results of such analysis. 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.

(e) *Compliance monitoring.*

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

a. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.

b. The city shall have the right to set up on the user's property; or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

c. The city may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated on at least an annual basis to ensure their accuracy.

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the user.

e. Unreasonable delays in allowing the city access to the user's premises shall be a violation of this division.

(2) *Search warrants.* If the city has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division or any permit or order issued hereunder; or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from the municipal court of the city.

(f) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public, EPD, EPA or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city, EPD, and EPA, that release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Users wishing to keep such information confidential must assert a claim of confidentiality at the time the information is submitted to the city, such confidential information may be withheld from the public but it will always be made available to the EPD and/or EPA. Effluent data will be available to the public without restriction.

(g) *Publication of significant noncompliance.* The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) per cent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) per cent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard

deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(h) *Service charges.* The city may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards;

(7) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the city. The applicable charges shall be set forth in the city's schedule of charges and fees.

SECTION 22-19. Administrative Enforcement Remedies.

(a) *Notification of violation.* Whenever the city finds that any user has violated or is violating this division, or a wastewater permit or order issued hereunder, the Director or his agent may serve upon said user written notice of violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director or his agent. 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.

(b) *Consent orders.* The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to section 13-88(d) below.

(c) *Show cause hearing.* The Director may order any user, which causes or contributes to violation of this division or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) *Compliance order.* When the Director finds that a user has violated or continues to violate this division or a permit or order issued there under, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology; additional self-monitoring, and management practices.

(e) *Cease and desist orders.* When the Director finds that a user has violated or continues to violate this division or any permit or order issued hereunder; the Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith;

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) *Administrative fines.* Notwithstanding any other section of this division, any user who is found to have violated any provision of this division, or permits or orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as it needs to collect other individual user's property. Users desiring to dispute such fines must file a request for the city to reconsider the fine within ten (10) days of being notified of the fine. Where the Director believes a request has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the request from the industrial user.

(g) *Emergency suspensions.*

(1) The Director may suspend the wastewater treatment service and/or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing imminent or substantial endangerment to the health or welfare of persons, the POTW; or the environment.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary; including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings set forth in section 13-88(h) are initiated against the user. A user who is the subject of a suspension order under this subsection shall have the right to appeal to the Director from such suspension, but such suspension shall remain in full force and effect pending such hearing and the decision of the director thereto.

(3) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to the date of the hearing described in paragraph (2) above.

(h) *Termination of permit.* Significant industrial users proposing to discharge into the POTW, must first obtain a wastewater discharge permit from the public works department. Any user who violates the following conditions of this division or a waste water discharge permit or order, or any applicable state and federal law, is subject to permit termination:

(1) Violation of permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater constituents and characteristics; or

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 13-88(c) of this division why the proposed action should not be taken.

(i) *Termination of services.* The city may order any user who causes or continues to allow an unauthorized discharge to enter the POTW to show cause before the city council as to why termination of services should not happen. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the termination of services, the reasons why the action is to be taken, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the public works to:

(1) Issue in the name of the city council notices of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon. At any hearing held pursuant to this division, testimony must be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

SECTION 22-20. Judicial Remedies.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this division or any order or permit issued hereunder, the public works director, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the Dooly County Court.

(1) *Injunctive relief.* Whenever a user has violated or continues to violate the division or any order or permit issued hereunder, the city, through counsel may petition the court for its issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The city may also initiate nuisance abatement proceedings in the municipal court of the city, as an alternate remedy.

(2) *Civil penalties.*

a. Any user who has violated or continues to violate the division or any order or permit issued hereunder, shall be liable to the city for a civil penalty of up to at least one thousand dollars (\$1,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

b. The city shall petition the municipal court of the city or any state court having jurisdiction to impose, assess, and recover such sums. In determining amount of liability, the municipal court of the city or any state court having jurisdiction shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factors as justice requires.

(3) *Criminal prosecution*

(1) Any user who willfully or negligently violates any provision of this division or any orders or permits issued hereunder shall, upon conviction in the municipal court of the city, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1000.00) per violation per day or imprisonment for not more than six (6) months or both.

(2) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day or imprisonment for not more than twelve (12) months or both.

SECTION 22-21. Supplemental Enforcement Remedies.

(a) *Performance bonds.* The Director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this division or any order or previous permit issued hereunder unless such user files with it a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

(b) *Liability insurance.* The Director may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this division or any order or previous permit issued

hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(c) *Water supply severance*. Whenever an industrial user has been found after hearing to be in violation of the provisions of this division or an order issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

SECTION 22-22. Affirmative Defenses.

(a) *Treatment upsets.*

(1) For the purposes of this division, "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 preventative maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) below are met.

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

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of 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.

(b) *Treatment bypasses.*

(1) For the purposes of this division:

- a. *Bypass* means the intentional diversion of waste streams from any portion of a user's treatment facility.
- b. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) 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 subsection (b).

(3) a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

b. A user shall submit oral notice to the Director of an anticipated 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 Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) a. Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in paragraph (4)a. of this subsection (b).

4. The user submitted notices as required under paragraph (3) of this subsection (b).

(c) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 13-85 of this division or the specific prohibitions in sections 13-85(d)(1) through 13-85(d)(14) of this division if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 22-23. Severability and Conflict.

If any provision, paragraph, word, or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this division are hereby repealed to the extent of such inconsistency or conflict.

SECTION 22-24. The User Charge System.

(a) Charges for wastewater service, except amounts payable by industrial users for the reservation of capacity, shall be made and billed in compliance with the user charge system approved by the City Commission with adjusted rates herein established. The user charge system shall result in the calculation of four unit charges:

(1) An administrative charge to be calculated based on the administration costs and the number of wastewater customers to be assessed on a per bill issued basis;

(2) An operation, maintenance, and replacement fee based on the volume of water used by wastewater customers and the total operation, maintenance, and replacement costs incurred by the City to be assessed on the basis of water used per thousand gallons; and

(3) A surcharge rate to be applied to all over strength wastes to be based on the strength and volume of such wastes and the costs of treatment thereof.

(4) In addition to the foregoing user charge, a charge to cover capital requirements (debt recovery) shall be assessed against each customer, except industrial users having contractually reserved capacities, per month as follows:

(A) Each residential unit or residential equivalent unit inside city,

(B) Each residential unit or residential equivalent unit outside city,

(b) Any user who discharges any toxic pollutants or other constituents which cause an increase in the cost of managing the effluent or the sludge of the aforementioned treatment works shall be required to pay for such increased costs.

(c) The City shall review not less often than every two (2) years the wastewater contribution of users, the total costs of operation and maintenance of the treatment works, and the approved user charge system. The City shall revise the charges for users to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for proper operation and maintenance (including minor replacement) of the treatment works; and

(3) Apply excess revenues collected to adjust future rates accordingly.

(d) The City will notify each user at least annually in conjunction with a regular bill or other mailing, of the rate attributable to the user charge.

(e) The user charge system shall take precedence over any terms or conditions of agreements or contracts between the City and users which are inconsistent with the requirements of section 204(b)(1)(a) of the Act and 40 C.F.R, Part 35.

(f) The user charge, which includes charges for operation, maintenance and replacement costs, will be assessed for all contributors to the treatment works on the following basis:

(g) In the case of any industrial user who delivers such user's wastewater directly to the treatment plant without collection costs to the City, the City shall be authorized to deduct collection costs from costs of operation, maintenance and replacement in calculating the user charge properly payable by such industrial user and in contracting in reference thereto, provided, however, that in making such calculation the collection costs shall be deducted from costs of operation, maintenance and replacement with respect to that particular wastewater treatment plant within the system to which delivery of the user's wastewater is made.

(h) The City may collect samples for the purpose of determining surcharge and compliance, and may charge the industrial user for this service.

The City may require industrial users to sample and test at their own expense for the purposes of determining surcharges and permit compliance.

In the event of a disagreement in results between samples collected by the industrial user and the City, the City results will prevail unless it can be proven that there was an error in City sampling or testing protocol.

(i) In addition to the foregoing user charge, industrial users contracting for reserved allocation of plant capacities shall pay for the reservation of capacities such amounts as shall be provided by contract. In the absence of an agreement by the industrial user to make specified capital expenditures for pretreatment, annual payments for reserved capacities shall be calculated according to the following annual unit charges:

Flow, per 1,000 gallons per day

BOD, per pound, per day

SS, per pound, per day

In contracting with an industrial user, the City may reduce the payments for reserved capacities over the term of the contract in a total amount approximately equivalent to the amount of capital expenditures which the industrial user will be required to make for pretreatment facilities during the term of the contract, but no reduction shall be made of more than twenty (20%) per cent of the foregoing unit charges. The City may also provide for reasonable credits against payments for reserved capacities in the event of excessive operations and maintenance charges. Such industrial users shall be assessed additional surcharges if the user exceeds the reserved capacities for BOD, SS or flow. For any month in which such excess usage of BOD or SS occurs, the applicable surcharge shall be assessed for each day of the month in which the user discharged industrial process wastewater.

SECTION 22-25. Other Rates, Fees and Charges.

(a) In addition to the foregoing charges to be made pursuant to the user charge system, the following schedule of charges for water service, water and sewer tapping and connection fees and other related fees and deposits is hereby adopted:

(1) For each monthly bill issued to any customer connected to the water system, an administrative fee shall be charged.

(8) Water and wastewater tap-in fees shall be charged on the basis of residential units or residential equivalent units according to the tap-in fees listed hereinafter. Any fractional units resulting from the calculation of residential equivalent units shall be treated as a whole unit. In addition to the tap-in

fees, installation fees shall be charged in accordance with schedules listed hereinafter. Installation fees shall cover only connection to existing mains that are adjacent to location to be served; the actual costs of any extensions necessary shall be charged in addition to tap-in and installation fees. All fees and charges shall be paid by the customer or customers at whose request the connection is made.

(11) The director may authorize licensed master plumbers to install connections to water or wastewater facilities upon written application. Water meters shall be supplied to authorized licensed master plumbers at cost; all other related accessories for water or sewer connections may be supplied to authorized licensed master plumbers. The director shall require payment of installation fees as listed herein or reimbursement of actual costs for any installations not specifically covered. All work done by other than city personnel shall be done only under the supervision of licensed master plumbers authorized to perform such work. The director shall require that all installation is performed in accordance with specifications and/or standards conforming to sound engineering practices; in the event that such installation is not made in accordance with specifications and/or standards, the director may require the installation to be corrected or removed and reinstalled as necessary.

(16) In the event that service has been cut off for nonpayment of any city utility bill or other action resulting in unauthorized use of city services, service shall not be restored until the unpaid bill and service fees provided by this section are satisfied. Before service is restored, the following service fees shall be paid by the user cumulatively for each action taken to prevent unauthorized use of city services:

- a. Turn-on after a delinquent cut-off
- b. Locking meter
- c. Removal of meter
- d. Removal of straight line
- e. Removal of unauthorized relocated meter
- f. Cutting off water at main

Payment of these fees shall not exempt any user from any civil or criminal action resulting from violations of this chapter.

(a) In addition to the fees and deposits otherwise provided hereinabove, each applicant for service shall pay in advance an account establishment charge for either new service or transfer of service from one location to another.

(b) A residential equivalent unit is that portion of a user's facility that has an impact on the water and wastewater system equivalent to a single family residence. The determination of a facility's residential equivalent units shall be based on estimated water consumption.

SECTION 22-26. Adjustments in Billing.

The Director shall be authorized to make equitable adjustments in billings for water and wastewater services in cases where leaks in pipes and plumbing facilities result in increased billings without fault on the part of the customer. Such adjustments shall be made based on an average of prior billings only after repairs have been made as certified by a licensed plumber, and shall be limited to three months' billings.

SECTION 22-27. Discontinuance of Service.

(a) The service under any application or contract may be discontinued for any of the following reasons:

- (1) For misrepresentation in application as to property or fixtures to be supplied, or the use to be made of the water supply or character of waste discharged into the sanitary wastewater system;
- (2) For the use of water for any other property or purpose than that described in the application;
- (3) For willful or negligent waste of water through improper or imperfect service pipes, fixtures, meters, private fire protection systems or otherwise;
- (4) For failure to protect the connection, service lines and fixtures, or to maintain them in good order;
- (5) For non-payment of any account for water or sewer service furnished or of any scheduled fee or charge as required by the provisions of this chapter, rules and regulations promulgated pursuant to the terms hereof, or any amendments hereto;
- (6) For molesting any service pipe, meter, curbstop, seal, or any other appliance of the Water and Wastewater Department controlling or regulating the water supply;
- (7) In case of vacancy of premises;
- (8) For violation of any provisions of this chapter or amendments thereto;
- (9) For violation of any rules or regulations promulgated by the Director, and under authority of the provisions of this chapter or amendments thereto;

(10) For turning off or on water at the "water main" or "water connection" or curb stop, by a plumber, owner or other unauthorized person, or for disconnecting or removing the meter, without the prior written consent of the Director. Emergency cut-off of such water without damage to any City property shall not be considered a cause of discontinuance of service.

(b) The Director shall have authority to order the temporary discontinuance of water or wastewater service in any emergency, under exigent circumstances, or whenever such discontinuance is necessary to protect life, health or property or to prevent immediate interference with the City systems.

(c) In all other circumstances service shall be discontinued only after five days' written notice delivered to an adult person occupying the premises served or posted in a conspicuous place thereon, stating the reason for discontinuance and informing the user of his right to a hearing before the Director upon such user's appearance before the Director within such five working days during regular business hours.

SECTION 22-28. Unauthorized Obligation of City.

No officer, agent or employee of the City of Brunswick shall have authority to bind the City by any promise, agreement or representation in violation of this chapter and the rules and regulations promulgated in accordance herewith.

SECTION 22-29. Amendment.

(a) The city reserves the right at any time to alter, amend, or add to this chapter and to the rules and regulations promulgated by authority hereof, or to substitute other ordinances, rules and regulations therefore.

(b) Rates, fees and charges provided for herein shall be established by resolution of the City Commission and shall be subject to revision or increase at any time, in the middle of any billing period, retrospectively, to the beginning of such billing period, except amounts provided by contracts with industrial users for the reservation of capacity. Such revision or increase shall be accomplished by City Commission resolution.

SECTION TWO

All ordinances or parts of ordinances in conflict with this new Chapter 22 are hereby repealed.

SECTION THREE

This ordinance establishing a new Chapter 22 of the Municipal Code shall take effect immediately, upon adoption by the City Commission.

So ordained and approved this ____ day of February, 2003.

Doris A. Davis, Mayor Pro Tem

ATTEST:

Georgia E. Marion, City Clerk

2. Revisions to Alcoholic Beverage License Ordinance.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion unanimously adopting the following ordinance:

ORDINANCE 953

AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE II OF THE MUNICIPAL CODE OF THE CITY OF BRUNSWICK RELATING TO ALCOHOLIC BEVERAGE LICENSE; TO PROVIDE THAT PROXIMITY OF A PROPOSED POURING LICENSE LOCATION TO CHURCHES LOCATED IN COMMERCIAL OR INDUSTRIAL ZONED DISTRICTS SHALL BE A FACTOR WHICH MAY BE CONSIDERED BY THE CITY COMMISSION IN ISSUANCE OR DENIAL OF THE LICENSE APPLICATION; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES."

The Commission of the City of Brunswick hereby ordains.

SECTION ONE

Chapter 3, Article II of the Municipal Code of the city of Brunswick is hereby amended by deleting existing Section 3-40(6) and substituting a new section 3-40 (6) and substituting a new section 3-40 (6) which shall read as follows:

"(6) No new license shall be issued for retail sale of any alcoholic beverage for consumption on premises where the applicant's proposed place of business is within 200 yard (600 feet) of any school, church, residence, or any alcoholic treatment center owned and operated by the State of Georgia, Glynn County or the City of Brunswick. In instances where such church, residence, school, or college is in a location zoned commercial or industrial (ie., OC office commercial, LC local commercial, GC commercial, GC core general core commercial, HC highway commercial, BI basic industrial, or GI general industrial), such minimum distance shall not apply; nonetheless proximity to such a residence, church, school or college may be considered as one of the factors under sub-section 3-40 (5) above. For purposes of this subsection [i.e., 3-40- (6)], the distance shall be measured in accordance with general Georgia Statue and administrative regulations for determining such distances. This subsection [3-40 (6)] shall not apply to renewals of existing licenses, nor to applications for on-premises consumption retail licenses at locations which have been the location of an alcoholic beverage retail license at any time during the three (3) years period prior to the date the new application is made."

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If this ordinance or any part of it is invalidate by any court of competent jurisdiction, the remaining provisions of Chapter Three of the Municipal Code shall not be effected and shall remain in full force and effect.

This Ordinance shall be effective immediately upon its adoption by the City Commission and shall apply to all pending and future license applications.

Adopted this the 5th day of February 2003.

Doris A. Davis, Mayor Pro-Tem
Doris A. Davis, Mayor Pro Tem
City of Brunswick, Georgia

ATTEST: Georgia E. Marion
Georgia E. Marion, City Clerk

ALCOHOLIC BEVERAGE LICENSE(S)

McGarvey Wee Pub to be located at 1704 Newcastle Street to retail distilled spirits to be consumed on premises. Owners are Kevin and Cormac McGarvey and Manager is Kevin McGarvey.

Chris Stewart recommended that provisional alcoholic beverage license be granted to Kevin McGarvey, at McGarvey Wee Pub.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion granting a provisional alcoholic beverage license to Kevin McGarvey at McGarvey Wee Pub, 1704 Newcastle Street until other provisions are met to grant a full alcoholic beverage license. The motion passed.

COMMISSIONER JENNINGS ITEM(S)

Appointment to the Board of Habitat for Humanities.

Commissioner Jennings mentioned that he currently serves on the Board of Habitat for Humanities and would like to continue to serve on the board.

Mayor Pro-Tem Davis made a motion and Commissioner Williams seconded the motion re-appointing Commissioner Harold Jennings to serve on the Board of Habitat for Humanities. The motion passed.

DISCUSSION

DOT Contract package for bridge replacement project on Lanier Blvd.

Burton Carter, Construction Manager requested that the Mayor and City Clerk be authorized to sign documents to accept \$19,000.00 in funding for the bridge replacement project.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion authorizing the Mayor to execute the document and City Clerk to attest the documents to accept \$19,000.00 in funding for the bridge replacement project on Lanier Blvd. The motion passed.

MEETING ADJOURNED.

Bradford S. Brown, Mayor

Attest: _____
City Clerk