

City of Cumming

(Chartered 1845)

WASTEWATER DISCHARGE PERMIT

CITY OF CUMMING, GEORGIA
DEPARTMENT OF UTILITIES
WATER POLLUTION CONTROL DIVISION
INDUSTRIAL PRETREATMENT BRANCH
PERMIT # CMG-WQ-IP-195

In accordance with the provisions set forth in the City of Cumming Sewer Use Ordinance and Title 40, Part 403 of the Code of Federal Regulations,

**NORTH SIDE FOODS CORP. (SUBSIDIARY OF SMITHFIELD FOODS)
3660 NORTH PARKWAY
CUMMING, GEORGIA 30040**

is hereby authorized to discharge industrial wastewater from the above identified facility and through the out-falls identified herein into the City of Cumming sewerage system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under Federal, State, and local laws, including any such regulation, standard, requirement, or law that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Cumming Sewer Use Ordinance, Cross Connection Control Ordinance, or other City ordinances.

This permit shall become effective at midnight on February 1, 2009 and shall expire at midnight on September 6, 2010.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Article 7 of the City of Cumming Sewer Use Ordinance, a minimum of not more than ninety (90) days and not less than sixty (60) days prior to the expiration date of the current permit.

Signed this 23th day of December, 2008

Jonathon W. Heard
Director of Utilities
100 Main Street
City of Cumming, Georgia 30040

PART 1. General Requirements

A. DISCHARGES - GENERAL

1. Sanitary Wastewater

During the period of February 1, 2009 to September 6, 2010, the effluent from out-fall #2 shall be of domestic or non-process wastewater only and shall comply with "Normal Domestic Wastewater Concentrations" as described in the City of Cumming Sewer Use Ordinance.

2. Other Waste Streams

All polluted industrial process wastewaters shall be pretreated by the generator and either discharged to a sanitary sewer under the conditions of this permit, or discharged to a natural stream under the conditions of an NPDES permit issued by the Georgia Environmental Protection Division. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

3. Unpolluted Water

The discharge of unpolluted process waters to a natural outlet within the City service area requires the issuance of an NPDES permit by the Georgia Environmental Protection Division.

4. Storm Water

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City. All stormwater shall be treated in a City-approved storm water quality pond in accordance with the design standards of the Georgia Storm Water Design Manual. All industrial sewer customers must apply for an industrial stormwater NPDES permit from Georgia DNR-EPD.

B. PROHIBITED DISCHARGES

No person shall introduce or cause to be introduced into the sewage works any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the sewer system whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

No user shall introduce or cause to be introduced into the sewage works the following pollutants, substances, or wastewater:

- (1)** Pollutants, which create a fire or explosive hazard in the sewage works,

including, but not limited to, waste streams with a closed-cup flash point of less than 140 degrees F (60 degrees C) using test methods specified in 40 CFR 261.21;

- (2) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants, will cause interference with the sewage works;
- (3) Any water or wastes having a pH lower than 5.5 (or more than 9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or resulting in interference; but in no case solids greater than one half inch (1.27 centimeters) in any direction;
- (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; but in no case wastewater that contains 25 mg/L or more of the above mentioned oils or products;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works or in a quantity that may cause acute worker health and safety problems;
- (8) Any septage, chemical toilet contents, industrial sludges or similar matter or materials, unless specifically authorized by the City through issuance of a permit pursuant to Article 6 of the Cumming Sewer Use Ordinance;
- (9) Medical wastes, except as specifically authorized by the City in a wastewater discharge permit;
- (10) Any substance that will cause the City's wastewater facilities to violate its NPDES permit (NPDES Permit No. GA0046019), cause a violation of the water quality standards of the receiving waters, cause municipal sludge contamination, or are toxic to aquatic life in the receiving stream; or
- (11) Quantities of flow, concentrations, or both which constitute a "slug".
 - (a) Slug discharge shall be defined as any discharge of a non-routine, episodic nature including, but not limited to an accidental spill or a non-customary batch discharge.
 - (b) The permittee shall notify the City immediately of any discharge or discharges including slug discharges that could result in operational problems at the water

pollution control plant.

- (c) Upon notification from the City, the permittee shall develop and implement a plan to control slug discharges in accordance with the requirements of 40 CFR Part 403.8

C. HARMFUL DISCHARGES

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the City, that such wastes can harm the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, or public property or constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

D. PROHIBITED SUBSTANCES:

- (1) Noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (2) Any water or waste containing fats, wax, grease, or oils, (FOG) whether emulsified or not in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 - 65 degrees C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Director.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, other objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works impacts the treatment works.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in concentrations which exceed limits, that may be established by the City to protect the treatment works, protect the quality of sludge produced and/or meet the requirements of State, Federal, or other public agencies or jurisdictions for such discharge to the receiving waters.
- (7) Any radioactive waste or isotopes of such half-life concentration as may exceed limits

established by the City in compliance with applicable State or Federal Regulations.

- (8)** Materials, which exert or cause:
 - (a)** Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, any textile fibers, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)
 - (b)** Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (9)** Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over its discharge to the receiving waters.
- (10)** Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (11)** Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (12)** Detergents, surface-active agents, or other substances which may cause excessive foaming in the sewage works.
- (13)** Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the City.
- (14)** Pollutants, substances, or wastewater prohibited by sections of this ordinance shall not be processed or stored in such a manner that they could be discharged to the sewage works.

All discharges shall comply with all applicable laws, regulations, standards, and requirements contained in the City of Cumming Sewer Use Ordinance and any applicable State and Federal pretreatment law, regulation, standard, and requirement including any such law, regulation, standard, or requirement that may become effective during the term of this permit.

PART 2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date of the permit, the permittee shall monitor outfall # 1 at the Parshall Flume for the following parameters, at the indicated frequency and as prescribed below:

Parameter (units)	Thirty Day Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow m ³ /Day (MGD)	283.8 (0.075)	321.7 (0.085)	Daily	Meter**	Effluent
Total P mg/L (kg/day)	8 (2.27)	8 (2.57)	One/Week	Composite*	Effluent
TSS mg/L (kg/day)	500 (141.99)	500 (160.92)	One/Week	Composite*	Effluent
TKN mg/L (kg/day)	100 (28.40)	100 (32.18)	One/Week	Composite*	Effluent
COD mg/L (kg/day)	1500 (425.97)	1500 (482.76)	One/Week	Composite*	Effluent
Chloride mg/L (kg/day)	2025 (575.05)	2025 (651.73)	One/Week	Composite*	Effluent
O & G mg/L (kg/day)	100 (28.40)	100 (32.18)	One/Week	Grab	Effluent
Ammonia (as N)	20 (8.71)	20 (9.47)	One/Week	Composite*	Effluent
Quaternary Ammonia mg/L	5	5	One/Week	Composite*	Effluent

The pH shall not be less than 5.5 standard units nor greater than 9.0 standard units and shall be monitored on the final effluent by a grab sample daily. The chlorine residual shall not be greater than 0.25 mg/L and shall be monitored on the final effluent by a grab sample daily. The Discharge Limitations outlined above are subject to revision if dictated by Title 40, Code of Federal Regulations, Part 403, (40CFR 403) or City of Cumming determinations. The Permittee will be notified in writing of any changes in the above listed discharge limitations.

* 24 hour flow-proportioned composite.

** Continuous recording meter with continuous reading chart.

*** The Georgia 129 Priority Pollutant Scan (composite sample) shall be conducted by the Permittee as requested by the City. The GA 129 sample shall be split with the City before being sent to the Permittee's lab.

Outfall # 1 shall be defined as the following: Outfall # 1 enters the City's sewerage system at manhole # NP4, which is one of the manholes located in the sewer line that is located internally on the 400 North Industrial Park, runs parallel with Hutchinson Road and eventually crosses North Parkway.

A. MONITORING REPORTS

Monitoring results shall be summarized and reported once per month. The reports are due on the 15th day of each month. The first report is due on March 15th, 2009.

The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the month preceding the submission of each report.

(1) The report must be signed by an authorized representative and contain the following certification statement:

"I certify under penalty of law 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 known violations."

(2) Records Retention

All records and information resulting from the monitoring activities required by this permit such as, but not limited to all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained by the permittee for a minimum of five (5) years. This period may be extended by the request of the Director at any time.

B. ADDITIONAL MONITORING BY THE PERMITTEE

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be included in the calculations used to derive the "daily maximum" and the "thirty day average" pollutant quantities reported to the City. Such increased monitoring frequency shall be indicated in the monthly report. The City may require more frequent monitoring or the monitoring of other pollutants not required in this permit by written notification.

(1) Process Control Monitoring

Process control monitoring shall be performed at least every two hours for the following contaminants: ammonia, phosphorous, chlorine, and pH. The Permittee shall provide laboratory equipment that is in excellent working condition for each test required. The laboratory equipment shall be calibrated at least annually by an outside firm and daily by the pretreatment facility operator or laboratory analyst. Standards and buffer solutions shall be provided to the operator or laboratory analyst for daily calibrations. The Permittee shall maintain records of all test results, equipment calibration and equipment maintenance and make the records available to City personnel upon request.

(2) On-line Continuous Monitoring

The permittee shall measure its effluent discharge for the following parameters at all times: flow and pH. The flow measuring device and pH meter shall be calibrated by an outside source on a bi-annual basis. The facility operator shall check calibration for the flow measuring device on a weekly basis and the pH meter on a daily basis. Continuous flow and pH records shall be maintained for a period of not less than 5 years.

C. AUTOMATIC RESAMPLING

If the results of the permittee's wastewater analysis indicate that a violation has occurred, the permittee must notify the City within twenty-four (24) hours of becoming aware of the violation

and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within thirty (30) days after becoming aware of the violation, except the permittee is not required to resample if:

- (1) The City performs sampling of the permittee at a frequency of at least once per week, or,
- (2) The City performs sampling of the permittee between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling.

D. REPORTS OF POTENTIAL PROBLEMS

The permittee shall immediately telephone and notify the City in the case of any discharge including, but not limited to, accidental discharges, discharge of a non-routine, episodic nature, a non-customary batch discharge, spills, or a slug load, that may cause potential problems for the sewage works or enter the surface water of the City of Cumming. During normal business hours the City of Cumming should be notified by telephone. At all other times, the City of Cumming should be notified at designated emergency contact numbers listed below:

(770) 781-2007	-	After 5:00 PM Mon. - Fri., Sat. - Sun. & Holidays
(770) 781-2018	-	Pretreatment Coordinator
(770) 781-2008	-	Water Pollution Control Division Superintendent
(770) 781-2020	-	Director of Utilities
(770) 781-2010	-	City Hall
(770) 781-2000	-	City Police Department (emergencies only)

The notification shall include location of discharge, type of waste, concentration and volume, if known, and corrective action taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under Federal, State, or local laws.

- (1) A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees whom to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (2) Within five (5) days following such discharge, the permittee shall submit a detailed written report. The report shall specify:
 - (a) Description of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
 - (b) Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.

- (c) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other accidental discharge, or other conditions of noncompliance.

The Permittee shall ensure that City personnel are able to contact the Pretreatment Facility Operator at all times via telephone. A direct telephone line into the Pretreatment Facility shall be provided and maintained at all times in proper working order. If the Pretreatment Operator leaves the facility, the City must be able to contact him or her via a cell phone.

E. 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. All reports required by this permit shall be submitted to the City of Cumming at the following address:

Pretreatment Coordinator
City of Cumming
Water Pollution Control Division
Industrial Pretreatment Branch
4605 Bethelview Rd.
Cumming, Georgia 30040

PART 3. Additional Compliance Requirements

A. CHEMICALS USED IN PRODUCTION, CLEANING, AND PRETREATMENT

All chemicals used in the production facility, during cleaning of the production facility, during the pretreatment process, or otherwise shall be of a type that will not harm the pretreatment facility, City sewer conveyance system, or City Advanced Water Reclamation Facility or pass-through the City AWRF into the receiving stream. If the Permittee makes the decision to change cleaning, pretreatment or other chemicals, the Permittee must notify the City in writing and submit a copy of the new chemical MSDS sheet(s) to the City for review and approval.

B. CHILLER PURGING

No chiller purge liquids or materials shall be discharged into the Permittee's wastewater stream or to the City's sewer system at any time. Manifests shall be maintained of the removal and proper disposal of all chiller purge wastes.

C. SPARE PARTS INVENTORY

The Permittee shall maintain all equipment in proper working order at all times. The

Permittee shall maintain an inventory of all equipment manufacturers' spare parts. Records of spare parts inventory shall be maintained and made available to City personnel upon request.

D. STORM WATER MANAGEMENT

The Permittee shall manage all stormwater generated on its site and shall ensure that it is properly handled and treated. All stormwater devices shall meet the minimum requirements of the latest edition of the Georgia Storm Water Design Manual for quality as well as quantity. The Permittee shall maintain compliance with its EPD-issued Industrial Stormwater NPDES Permit. The Permittee shall properly maintain its stormwater structures in accordance with City ordinances. The Permittee's site and parking lot area shall be kept clean of all debris and pollutants that have the potential reach the City's storm water system or any body of water. All chemicals shall be stored in an approved containment area to prevent accidental spillage into the waters of the State of Georgia.

E. BACKFLOW RPZ UNIT AND HOT BOX

The Permittee shall properly install and maintain a Reduced Pressure Zone (RPZ) backflow preventer in accordance with the City's Cross Connection Control Ordinance. Such RPZ device shall be installed above grade in a hot-box and shall be tested on at least an annual basis. The RPZ Unit must be installed on the service line prior to the Permittee's use of any water from the service line. All annual test results must be reported to the Backflow Coordinator's office at:

**City of Cumming
Department of Utilities Backflow Coordinator
100 Main Street
Cumming, Georgia 30040**

Note: The Deadline for the Permittee to complete the installation of a City-approved RPZ and hotbox was by February 1, 2008. This device should be operational at this time.

F. DISCHARGE TIME PERIODS

Discharge time periods, schedules, durations, etc. shall be coordinated with the City.

PART 4. Standard Conditions

A. GENERAL CONDITIONS AND DEFINITIONS

1. Permit Termination

This permit may be terminated for the following reasons:

- (a) Falsifying self-monitoring reports;
- (b) Tampering with monitoring equipment;
- (c) Refusing to allow the timely access to the permittee's premises and records;
- (d) Failure to meet effluent limitations;
- (e) Failure to pay fines;
- (f) Failure to pay sewer charges;
- (g) Failure to meet compliance schedules;
- (h) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (i) Misrepresentation or failure to fully disclose all relevant facts in the wastewater permit application;
- (j) Failure to complete a wastewater survey or the wastewater discharge permit application; or,
- (k) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or Sewer Use Ordinance.

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

2. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. Definitions

- (a) **Bypass** - the intentional or accidental diversion of wastes from any portion of a treatment facility
- (b) **Composite Sample** – shall consist of samples collected at intervals not less frequently than every two hours for a period of 24 hours or for the actual time the pretreatment facility is discharging (if less than 24 hours), and composited according to flow. Composite Samples shall be collected at the Parshall Flume.
- (c) **Continuous Recording Measurements** – required for flow, using a continuous recording flow meter
- (d) **Daily Maximum Concentration (mg/L)** – is the largest value representative of any 24 hour sampling period during a given consecutive 30 day period.
- (e) **Daily Maximum Quantity (kg/day)** – is the largest value representative of any 24 hour sampling period during a given consecutive 30 day period.
- (f) **Daily Maximum Flow (MGD)** – is the largest total volume determined for any 24 hour sampling period during a given consecutive 30 day period.

- (g) **Detection Limits** – all parameters shall be analyzed using the appropriate detection limits as specified by the City. If the results for a given sample are such that a parameter is not detected at or above the specified detection limit, a value of “NOT DETECTED” will be reported for that sample and the detection limit will also be reported.
- (h) **Effluent** – for purposes of sampling, monitoring and the application of pretreatment limitations, is the process wastewater treatment area prior to the introduction of sanitary wastewater, cooling water or any other diluting wastestream.
- (i) **Grab Sample** – a single sample taken at neither a set time nor flow. The grab sample shows the waste characteristics at the time the sample is taken. Grab Samples shall be collected at the Parshall Flume.
- (j) **Manifests** – Cradle to grave record of waste that has been removed from a Permittee’s premises. Such document records signatures of acceptance of liability from the generator, hauler, and ultimate disposal facility.
- (k) **Monthly Average Concentration or Thirty Day Average Concentration (mg/L)** - the arithmetic mean of the values for all samples analyzed during any consecutive thirty (30) day period.
- (l) **Monthly Average Quantity or Thirty Day Average Quantity (kg/day)** - the arithmetic mean of the values for all samples analyzed during any consecutive thirty (30) day.
- (m) **Monthly Average Flow or Thirty Day Average Flow (MGD)** – is the arithmetic mean of the daily flow measurements for all days during a consecutive 30 day period that the facility is in operation.
- (n) **Representative Sampling** – samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- (o) **Quarterly** - once every three (3) months
- (p) **Semiannually** - twice per year
- (q) **Slug load** - any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which causes interference (as defined in 40 CFR 403.3 (i)) with the sewage treatment plant.
- (r) **Upset** - an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- (s) **User or Permittee**- shall mean Significant Industrial User as defined in the City of Cumming Sewer Use Ordinance.

4. Dilution

The permittee shall not increase the use of potable or process water or, in any way attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve

compliance with the limitations contained in this permit.

5. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or local laws or regulations.

7. Permit modification

This permit may be modified for good causes including, but not limited to, the following:

- (a)** To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (b)** To address significant alteration or additions to the permittee's operation, process, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c)** A change in any condition in either the permittee or 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 collection and treatment systems, POTW personnel or the receiving waters;
- (e)** Violation of any terms or conditions of the permit;
- (f)** Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- (g)** Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- (h)** To correct typographical or other errors in the permit;
- (i)** To reflect transfer of the facility ownership and/or operation to a new owner/operator;
- (j)** To incorporate any new or revised requirements developed by the City as are necessary to ensure POTW compliance with applicable sludge management requirements promulgated by EPA (40 CFR 503); or
- (k)** Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitation on Permit Transfer

Discharge permits are issued to a specific user for a specific operation and are not transferable to any succeeding user or the current user for a new operation without prior notification to and approval from the Director.

- (a) The permittee must give at least thirty (30) days advance notice to the Director.
- (b) If the permit is to be transferred to a new owner, the notice must include a written certification by the new owner which:
 - (1) States that the new owner has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing permit.

9. Notification of Permit Expiration

The City of Cumming may notify the permittee of an impending permit expiration for the permittee's convenience, but it should not be interpreted that such notice is required. The responsibility for permit renewal remains with the permittee.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Pretreatment Facility

A permittee shall provide wastewater treatment as necessary to comply with this permit and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Part 1 of this permit within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the permittee's expense.

2. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which includes but is not limited to sludge

dewatering systems, grease removal systems, blowers, structures, DAF units, chemical feed systems, SCADA systems, flow meters, probes, laboratory devices, communications devices and telephones which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. The permittee shall maintain an adequate supply of spare parts. The permittee shall at all times maintain the SCADA system and keep it in proper working condition as per City requirements.

3. Sludge Disposal

The Permittee shall dispose of all sludge, screenings, biosolids, grease, DAF skimmings, and other debris in a sanitary landfill or State-approved rendering facility. All sludge dewatering equipment must be kept in proper working order at all times. Alternate sludge removal methods may be required if the primary sludge dewatering or removal system fails or if deemed necessary by the City.

4. Bypass of Treatment Facilities

(a) Prohibition of Bypass - Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with permit conditions.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of section (i) and (ii) below:

(i) Notification of bypass:

(A) Anticipated bypass - if the permittee knows in advance of the need for a bypass, it shall submit prior written notice to the City at least ten (10) days before the date of the bypass and receive approval prior to the bypass.

(B) Unanticipated bypass - An industrial user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards immediately upon becoming aware of the bypass.

(C) A written submission shall also be provided within five (5) days of the

time the user becomes aware of the bypass, including:

- (1) the exact dates, times, locations, duration, and peak flow rates of the bypass;
 - (2) the exact cause and a description of the bypass;
 - (3) if the bypass has not been corrected, the anticipated time it is expected to continue; and,
 - (4) steps taken or planned to reduce, eliminate, and prevent re-occurrence of the bypass.
- (ii) Bypass is prohibited and the City may take enforcement action against a user for a bypass, unless:
- (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment down time or preventive maintenance; and
 - (C) The industrial user submitted notices as required under (i) of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in (ii) of this section. Upon written notification by the City, the permittee may be required to submit a plan and a schedule for reducing overflows, bypasses or spills.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State or creating an adverse impact on the environment. Handling and disposal of such substances shall be in accordance with all applicable Federal, State, and local regulations. Records must be maintained of the quantity (volume and concentration or mass) of such substances; the method of disposal; the location or site; and the date and time of disposal. This process shall conform to the requirements of section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

6 Mandatory Certification

The operator in responsible charge of a wastewater pretreatment system and all laboratory analysts performing laboratory tests in conjunction with the operation of a wastewater pretreatment system required by the City of Cumming, shall be competent and be certified in accordance with the rules of the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts and in accordance with the Georgia Certification of Water and Wastewater Plant Operators and Laboratory Analysts Act, as amended, and specified by Subparagraph 391-3-6.12 of the Rules and Regulations for Water Quality Control.

7. Odors and Odor Control

The permittee shall properly operate and maintain all production and pretreatment facilities so that no offensive odors are produced. If in the opinion of the City, the Permittee is generating offensive odors, the Permittee shall install an odor abatement system. The City must approve the design of the odor abatement system. Special care should be taken at all times to properly manage sludge, screenings, skimmings, off-all vehicles, garbage, trash, storm water ponds, runoff, etc. to ensure that no offensive odors are produced by the Permittee

C. MONITORING AND RECORDS

1. Inspection and Entry

Duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, independent sampling, testing, record review, and copying pertinent to discharge to the public sewerage system in accordance with the provisions of this permit and the Cumming Sewer Use Ordinance.

2. Safety of City Employees or Agents

While performing the necessary work on private properties referred to herein, the authorized employees or agents of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the City shall indemnify the company against loss or damage to its property by said employees or agents and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this ordinance.

3. Inspection and Entry of City Right-of-Ways

Duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All

entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

4. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of the City.

5. Flow Measurement

Continuous flow monitoring shall be performed by the Permittee. Appropriate flow measurement devices and methods consistent with approved engineering practices shall be selected and used to ensure the accuracy and reliability of the measurements of the volume of flow being discharged by each pretreatment facility. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ten percent (10%) from true discharge rated throughout the range of expected discharge volumes. The flow measuring device shall be calibrated bi-annually by an outside firm and shall be check for accuracy once weekly. Calibration, maintenance activities, and weekly accuracy checks shall be recorded. Such records shall be made available to City personnel upon request. Foam or other obstructions shall not excuse the Permittee from calibration or weekly accuracy checks.

6. Retention of Records

- (a)** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all data used to complete the permittee's application, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by the request of the Director at any time.
- (b)** All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

7. Record Contents

Records of sampling and analyses shall include:

- (a)** The exact place, date, time, and methods of sampling or measurements, and

- sample preservation techniques or procedure;
- (b) The person(s) who performed the sampling or measurements;
- (c) The dates and times the analyses were performed; and
- (d) The person(s) who performed the analyses;
- (e) The analytical techniques or methods used;
- (f) All bench data derived for the purpose of calculating test results; and
- (g) The results of all required analyses.

8. Analytical Methods to Demonstrate Continued Compliance

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

D. ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the City at least ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge.

2. Duty to Provide Information

The permittee shall furnish to the City within thirty (30) days any information, which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the user's permit. The permittee shall also, upon request, furnish to the City within thirty (30) days copies of any records required to be kept by this permit.

3. Operating Upsets

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with the Cumming Sewer Use Ordinance shall inform the City by telephone within twenty-four hours if the noncompliance occurs during the normal business week. At all other times, the City should be notified at designated emergency contact numbers listed below:

- (770) 781-2007 - After 5:00 PM Mon. - Fri., Sat. - Sun. & Holidays
- (770) 781-2018 - Pretreatment Coordinator
- (770) 781-2008 - Water Pollution Control Division Superintendent
- (770) 781-2020 - Director of Utilities
- (770) 781-2010 - City Hall
- (770) 781-2000 - City Police Department (emergencies only)

A written follow-up report of the upset shall be filed by the permittee with the City within five days. The report shall specify:

- (a) A description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status;
- (b) Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of such an upset. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner. A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.

7. Accidental Discharge / Slug Control Plans

At least once every two (2) years, the Director shall evaluate whether the permittee needs an accidental discharge/slug control plan. The Director may require the permittee to develop, submit for approval, and implement such a plan. Alternately, the Director may develop such a plan for the permittee. An accidental discharge/slug control plan shall address, at a minimum, the following:

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

E. Penalties

1. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Sections 15.2 – 15.3 of the Cumming Sewer Use Ordinance or State or Federal laws or regulations.

2. Recovery of Costs Incurred under Section 14.9 of the City of Cumming Sewer Use Ordinance

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or the Cumming Sewer Use Ordinance or causing damage to or otherwise inhibiting the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a separate violation of Section 14.6.2. of the Cumming Sewer Use Ordinance. All cost of any additional or supplemental sampling or analyses required as a result of any permittee's excessive pollutant loadings such as BOD, suspended solids, floating oil and grease, chlorine, heavy metals, or priority pollutants as determined by the Director or resulting from a permittee's suspected, regular or frequent violation of this permit shall be paid for by that permittee.

3. Termination of Discharge under Section 14.8 of the City of Cumming Sewer Use Ordinance

In addition to the provisions in Part 5 (A) (2) of this permit, any permittee who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Article 6 of the Cumming Sewer Use Ordinance.

Such permittee will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 14.3 of the Cumming Sewer Use Ordinance why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the permittee.

4. Water Supply Severance under Section 14.8 of the City of Cumming Sewer Use Ordinance

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

5. Administrative Fines

- (a) When the Director of Utilities finds that a user has violated, or continues to violate, any provision of the Cumming Sewer Use Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may fine such user in an amount not to exceed \$1000.00. Such fines shall be assessed on a per violation basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of the violation.
- (b) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the user's appeal is successful, the payment shall be returned to the user. The Director of Utilities may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (c) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the user.

6. Civil Penalties

- (a) A user who has violated, or continues to violate, any provision of the Cumming Sewer Use Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The City may recover reasonable attorneys fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

7. Criminal Prosecution

- (a) A user who willfully or negligently violates any provision of the Cumming Sewer Use Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.
- (b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1000.00 This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Cumming Sewer Use Ordinance wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than one (1) year, or both.